

**HOUSE JOURNAL  
59TH LEGISLATURE**

**ADDENDUM**

Helena, Montana  
2005

House Chambers  
State Capitol

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/27/2005

Correctly enrolled: **HB 5, HB 9, HB 11, HB 46, HB 60, HB 99, HB 115, HB 172, HB 177, HB 517, HB 529, HB 584, HB 592, HB 667, HB 671, HB 728, HB 757, HB 769, HJR 26, HJR 32, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**

Signed by the Chief Clerk of the House at 9:00 a.m., April 27, 2005: **HJR 26, HJR 32, HJR 33, HJR 36, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**

Signed by the Speaker at 9:15 a.m., April 27, 2005: **HJR 26, HJR 32, HJR 33, HJR 36, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**

Signed by the Speaker at 9:30 a.m., April 27, 2005: **HJR 26, HJR 32, HJR 33, HJR 36, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**

Delivered to the Secretary of State at 10:13 a.m., April 27, 2005: **HJR 26, HJR 32, HJR 33, HJR 36, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**

Signed by the Chief Clerk of the House at 9:00 a.m., April 22, 2005: **HJR 33, HJR 36.**

Signed by the Speaker at 9:15 a.m., April 22, 2005: **HJR 33, HJR 36.**

Signed by the President at 9:30 a.m., April 22, 2005: **HJR 33, HJR 36.**

Delivered to the Secretary of State at 10:13 a.m., April 27, 2005: **HJR 33, HJR 36.**

Signed by the Chief Clerk of the House at 11:45 a.m., April 20, 2005: **HJR 34.**

Signed by the Speaker at 12:30 a.m., April 21, 2005: **HJR 34.**

Signed by the President at 2:00 p.m., April 21, 2005: **HJR 34.**

Delivered to the Secretary of State at 9:15 a.m., April 27, 2005: **HJR 34.**

Signed by the Chief Clerk of the House at 9:00 a.m., April 22, 2005: **HB 2, HB 28, HB 45, HB 227, HB 249, HB 482, HB 493, HB 535, HB 689, HB 700, HB 713, HB 740, HB 758, HB 761.**

Signed by the Speaker at 9:15 a.m., April 29, 2005: **HB 2, HB 28, HB 45, HB 227, HB 249, HB 482, HB 493, HB 535, HB 689, HB 700, HB 713, HB 740, HB 758, HB 761.**

Signed by the President at 9:30 a.m., April 22, 2005: **HB 2, HB 28, HB 45, HB 227, HB 249, HB 482, HB 493, HB 535, HB 689, HB 700, HB 713, HB 740, HB 758, HB 761.**

Delivered to the Governor for approval at 10:45 a.m., April 27, 2005: **HB 2, HB 28, HB 45, HB 227, HB 249, HB 482, HB 493, HB 535, HB 689, HB 700, HB 713, HB 740, HB 758, HB 761.**

Signed by the Chief Clerk of the House at 9:00 a.m., April 27, 2005: **HB 5, HB 9, HB 11, HB 46, HB 99, HB 115, HB 172, HB 177, HB 517, HB 584, HB 592, HB 667, HB 671, HB 728, HB 757, HB 769.**

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MESSAGES FROM THE GOVERNOR

April 18, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 140** sponsored by Representative Parker, **House Bill 297** sponsored by Representative Wiseman, **House Bill 307** sponsored by Representative Parker, and **House Bill 643** sponsored by Representative Dowell et al. on April 18, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 19, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 63** sponsored by Representative Villa, **House Bill 68** sponsored by Representative Andersen, **House Bill 105** sponsored by Representative Parker, **House Bill 156** sponsored by Representative Henry, **House Bill 244** sponsored by Representative Lambert, **House Bill 295** sponsored by Representative Galvin-Halcro, **House Bill 326** sponsored by Representative Peterson et al., **House Bill 363** sponsored by Representative Eaton, **House Bill 379** sponsored by Representative Windy Boy et al., **House Bill 406** sponsored by Representative Bergren et al., **House Bill 425** sponsored by Representative Parker, **House Bill 628** sponsored by Representative Clark et al., **House Bill 668** sponsored by Representative Noonan, and **House Bill 721** sponsored by Representative Parker et al. on April 19, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 20, 2005

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The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 22** sponsored by Representative McNutt, **House Bill 67** sponsored by Representative Jent, **House Bill 396** sponsored by Representative Becker, **House Bill 528** sponsored by Representative Koopman et al., and **House Bill 745** sponsored by Representative Matthews et al. on April 20, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 21, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 6** sponsored by Representative Witt, **House Bill 7** sponsored by Representative Callahan, **House Bill 8** sponsored by Representative Witt, **House Bill 12** sponsored by Representative Sesso, **House Bill 30** sponsored by Representative Wanzenried, **House Bill 40** sponsored by Representative Harris, **House Bill 49** sponsored by Representative Wilson, **House Bill 53** sponsored by Representative Jacobson, **House Bill 55** sponsored by Representative Wanzenried, **House Bill 70** sponsored by Representative Stahl, **House Bill 71** sponsored by Representative Lake, **House Bill 73** sponsored by Representative Buzzas, **House Bill 85** sponsored by Representative Kaufmann, **House Bill 89** sponsored by Representative Witt, **House Bill 104** sponsored by Representative Lenhart, **House Bill 109** sponsored by Representative Jent, **House Bill 119** sponsored by Representative Golie, **House Bill 142** sponsored by Representative Ripley, **House Bill 169** sponsored by Representative McAlpin, **House Bill 170** sponsored by Representative Wilson, **House Bill 173** sponsored by Representative Heinert, **House Bill 182** sponsored by Representative Roberts, **House Bill 204** sponsored by Representative Witt, **House Bill 211** sponsored by Representative Parker, **House Bill 213** sponsored by Representative Gallik, **House Bill 299** sponsored by Representative Wells, **House Bill 324** sponsored by Representative Driscoll, **House Bill 346** sponsored by Representative Golie, **House Bill 436** sponsored by Representative Himmelberger, **House Bill 440** sponsored by Representative Wiseman et al., **House Bill 450** sponsored by Representative Jopek, **House Bill 451** sponsored by Representative Sonju, **House Bill 470** sponsored by Representative Clark et al., **House Bill 513** sponsored by Representative Raser, **House Bill 522** sponsored by Representative W. Jones et al., **House Bill 587** sponsored by Representative Bergren, **House Bill 591** sponsored by Representative Jopek et al., **House Bill 666**

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sponsored by Representative Bergren et al., **House Bill 684** sponsored by Representative Maedje, **House Bill 698** sponsored by Representative Lange et al., **House Bill 759** sponsored by Representative Koopman, and **House Bill 772** sponsored by Representative Facey et al. on April 21, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 4** sponsored by Representative Musgrove, **House Bill 18** sponsored by Representative Juneau, **House Bill 60** sponsored by Representative Harris, **House Bill 63** sponsored by Representative Villa, **House Bill 83** sponsored by Representative Campbell, **House Bill 102** sponsored by Representative Lenhart, **House Bill 146** sponsored by Representative Gallik, **House Bill 159** sponsored by Representative McKenney, **House Bill 182** sponsored by Representative Roberts, **House Bill 186** sponsored by Representative Bergren, **House Bill 188** sponsored by Representative Bergren, **House Bill 214** sponsored by Representative Sales, **House Bill 235** sponsored by Representative Lange et al., **House Bill 266** sponsored by Representative Rice, **House Bill 288** sponsored by Representative Noennig et al., **House Bill 327** sponsored by Representative Groesbeck et al., **House Bill 331** sponsored by Representative Wanzenried, **House Bill 351** sponsored by Representative Butcher, **House Bill 374** sponsored by Representative Harris et al., **House Bill 385** sponsored by Representative Wells, **House Bill 386** sponsored by Representative Sinrud, **House Bill 395** sponsored by Representative Becker et al., **House Bill 411** sponsored by Representative Wells, **House Bill 414** sponsored by Representative D. Brown, **House Bill 418** sponsored by Representative Keane, **House Bill 421** sponsored by Representative Golie et al., **House Bill 423** sponsored by Representative Stahl et al., **House Bill 428** sponsored by Representative Gutsche et al., **House Bill 429** sponsored by Representative Gutsche, **House Bill 431** sponsored by Representative Raser, **House Bill 435** sponsored by Representative Branae et al., **House Bill 438** sponsored by Representative Buzzas et al., **House Bill 457** sponsored by Representative Noennig, **House Bill 473** sponsored by Representative Parker, **House Bill 476** sponsored by Representative McAlpin et al., **House Bill 484** sponsored by Representative L. Jones et al., **House Bill 502** sponsored by Representative Wiseman et al., **House Bill 512** sponsored by Representative Witt et al., **House Bill 530** sponsored by Representative Matthews, **House Bill 537** sponsored by Representative Wanzenried, **House Bill 540** sponsored by Representative Dickenson et al., **House Bill 541** sponsored by Representative Glaser et al., **House Bill 550** sponsored by Representative Windy Boy et al., **House Bill 552** sponsored by Representative Caferro et al., **House Bill 574** sponsored by Representative Branae, **House Bill 577** sponsored by Representative McAlpin, **House Bill 606** sponsored by Representative Gutsche et al., **House Bill 615** sponsored by Representative Harris, **House Bill 645** sponsored by Representative Clark et al., **House Bill 652** sponsored by Representative Cohenour, **House Bill 678** sponsored by Representative Cohenour, **House Bill 681** sponsored by Representative Raser, **House Bill 687** sponsored by Representative Mendenhall, **House Bill 696**



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sponsored by Representative Jayne et al., **House Bill 701** sponsored by Representative Noennig, **House Bill 704** sponsored by Representative Windy Boy et al., **House Bill 707** sponsored by Representative Groesbeck, **House Bill 720** sponsored by Representative Sinrud, **House Bill 726** sponsored by Representative Gutsche, **House Bill 732** sponsored by Representative Roberts, **House Bill 737** sponsored by Representative McNutt, **House Bill 738** sponsored by Representative Kaufmann, **House Bill 747** sponsored by Representative Driscoll, **House Bill 748** sponsored by Representative Wells, **House Bill 749** sponsored by Representative Ripley et al., **House Bill 756** sponsored by Representative Gutsche et al., **House Bill 776** sponsored by Representative Raser et al., **House Bill 782** sponsored by Representative McNutt et al., **House Bill 790** sponsored by Representative et al., and **House Bill 802** sponsored by Representative A. Olson on April 28, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

May 2, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 5** sponsored by Representative Wells, **House Bill 218** sponsored by Representative B. Olson, **House Bill 272** sponsored by Representative Lambert, **House Bill 367** sponsored by Representative Parker, and **House Bill 529** sponsored by Representative Kaufmann on May 2, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

May 6, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 2** sponsored by Representative Witt, **House Bill 9** sponsored by Representative Witt, **House Bill 11** sponsored by Representative McNutt, **House Bill 28** sponsored by Representative Wanzenried, **House Bill 45** sponsored by Representative A. Olson, **House Bill 99** sponsored by Representative Lange et al., **House Bill 115** sponsored by Representative McNutt, **House Bill 172** sponsored by Representative Cohenour,

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**House Bill 177** sponsored by Representative A. Olson, **House Bill 227** sponsored by Representative Galvin-Halcro, **House Bill 249** sponsored by Representative Lindeen et al., **House Bill 482** sponsored by Representative Lindeen et al., **House Bill 493** sponsored by Representative Noonan, **House Bill 517** sponsored by Representative Wiseman, **House Bill 535** sponsored by Representative L. Jones, **House Bill 584** sponsored by Representative Harris, **House Bill 592** sponsored by Representative Waitschies, **House Bill 667** sponsored by Representative Wanzenried et al., **House Bill 671** sponsored by Representative Musgrove et al., **House Bill 689** sponsored by Representative Arntzen et al., **House Bill 700** sponsored by Representative Mendenhall, **House Bill 713** sponsored by Representative Franklin, **House Bill 728** sponsored by Representative Lange, **House Bill 740** sponsored by Representative Heinert et al., **House Bill 757** sponsored by Representative L. Jones et al., **House Bill 758** sponsored by Representative McNutt et al., **House Bill 761** sponsored by Representative Noonan et al., and **House Bill 769** sponsored by Representative Golie et al. on May 6, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

May 6, 2005

The Honorable Brad Johnson  
Secretary of State  
State Capitol, Rm. 260  
Helena, MT 59620

RE: House Bill 2 - Item Veto

Dear Secretary of State Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, after having carefully reviewed and considered House Bill 2, "AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2007; AND PROVIDING AN EFFECTIVE DATE," I hereby veto certain items contained therein. Those items not vetoed, I have signed into law. My explanation for disapproving certain items of the bill, through what is commonly referred to as a "line-item" veto, follows.

The power of the Governor to issue a line-item veto is contained in Article VI, § 10(5) of the Montana Constitution. It provides: "The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill." By its terms, the "item veto" authorized by Article VI, § 10(5) contains no limitations.

I issue this "line-item" veto of House Bill 2 for reasons of fiscal responsibility and because I believe the bill runs afoul of certain provisions of the Montana Constitution related to the appropriations process and the separation of powers between the legislative and executive branches of government.

Addressing the fiscal issue first, I have vetoed the fiscal year 2006 appropriation of \$642,548 to fund the County-Paid Leave, found at pages A-2 to A-3 of the enrolled bill (Judiciary, ¶ 4.b.). This budget reduction brings the budget within the "spending cap" statute, § 17-8-106, MCA.

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Turning to the constitutional issues, Article V, § 11(4) of the Montana Constitution specifically limits the matters the legislature may include in a general appropriation bill. “A *general appropriation bill shall contain only appropriations* for the ordinary expenses of the legislative, executive, and judicial branches, . . . and for public schools. Every other appropriation shall be made by a separate bill, containing but one subject.” (Emphasis added.) House Bill 2, the general appropriation bill, violates the constitutional restriction because it contains matters *in addition to* appropriations, including provisions of substantive law.

Time and again throughout House Bill 2, the Legislature has mandated that the executive branch of government prepare reports, itemize expenditures, report to legislative committees – on quarterly, biannual, annual, or other temporal bases – “outcomes,” “goals,” “successes,” “failures,” “impacts,” “progress,” and “status.” I submit that the thirty instances of reporting requirements contained in House Bill 2, some of which include substantive legislation, are in violation of Article V, § 11(4) of the Montana Constitution, limiting the general appropriations bill to appropriations only.

Parenthetically, I note the practical impossibility of some of the reporting requirements, which fall due on July 1, 2005, the date that House Bill 2 takes effect. I note, too, that many if not most of the reporting requirements are to standing legislative appropriation subcommittees, which are not scheduled to convene during the interim for purposes of receiving such reports or otherwise.

As a matter of policy, as well, I question the wisdom of including these reporting demands in the general appropriations bill. I am concerned with the “slippery slope” that has and will continue to result as year after year, the legislature increasingly encroaches upon the executive branch by including more and more reporting requirements and substantive legislation in the general appropriations act. I am particularly concerned with the legislature’s attempt to invade the province of the executive in administering funds appropriated by the legislature by micro-managing the agencies of government, including not only those within the executive branch but within the judiciary as well. The general appropriations bill should delineate the boundaries for spending. It should not place substantive requirements on the executive branch.

I reiterate messages I have delivered in the past. The doors to the offices within my Administration are open. I welcome your input, advice, and concerns while I lead the Montana’s executive branch of government. My Administration will respond to all proper inquiries from citizens, legislators, and legislative committees. To demonstrate this commitment, and in the spirit of good faith, although I question the constitutionality of the provision, I deliberately have chosen not to item veto the substantive reporting requirements of House Bill 2 directed at the Marketing and Business Recruitment Program, located in the Governor’s Office.

I conclude this message by recognizing and commending the members of the 59<sup>th</sup> Legislative Assembly in piecing together, after many long hours, a fiscally sound, socially responsible, and forward-looking appropriation bill, which balances the needs of the State of Montana and its citizens thoughtfully, creatively, and judiciously. I recognize that to craft this bill required perseverance, compromise, and an enduring commitment by members of the Legislature who care as deeply about this State and its citizens as do I and for that I thank them.

This letter delivered to your office accompanies House Bill 2, which contains my signature and my “strike outs” of the items to which I object.

Sincerely,

BRIAN SCHWEITZER

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cc: Legislative Services Division  
    Senator Tester  
    Speaker Matthews

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - JANUARY 3, 2005

**HOUSE JOURNAL  
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FIRST LEGISLATIVE DAY**

Helena, Montana  
January 3, 2005

House Chambers  
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 59th Legislature of the State of Montana was called to order by the Honorable Brad Johnson, Secretary of State of the State of Montana.

The Montana National Guard under the leadership of Chief Dawn Trbovich posted the colors. Secretary Johnson led the Pledge of Allegiance to the Flag.

Invocation was given by Rev. George Harper. Secretary Johnson thanked the Montana National Guard and Rev. Harper.

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 59th Legislature.

District 1, Ralph Heinert  
District 2, Rick Maedje  
District 3, Dee Brown  
District 4, Mike Jopek  
District 5, George Everett  
District 6, Verdell Jackson  
District 7, Jon Sonju  
District 8, Tim Dowell  
District 9, William Jones  
District 10, Bernie Olson  
District 11, Janna Taylor  
District 12, Jeanne Windham  
District 13, Paul Clark  
District 14, Gordon Hendrick  
District 15, Joey Jayne  
District 16, Carol C. Juneau  
District 17, Rick Ripley  
District 18, Joe McKenney  
District 19, Mike Milburn  
District 20, George Golie  
District 21, Tim Callahan  
District 22, Bill Wilson  
District 23, John Parker  
District 24, Eve Franklin  
District 25, Sue Dickenson  
District 26, Kathleen Galvin-Halcro  
District 27, Llew Jones  
District 28, John Witt  
District 29, Edward Butcher  
District 30, Jim Peterson  
District 31, Margaret Campbell  
District 32, Jonathan Windy Boy  
District 33, Bob Bergren  
District 34, John Musgrove  
District 35, Wayne Stahl  
District 36, Karl A. Waitschies  
District 37, Walter McNutt  
District 38, Ralph Lenhart  
District 39, Carol Lambert  
District 40, Gary Matthews  
District 41, Norma Bixby

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District 42, Veronica Small-Eastman  
District 43, Monica J. Lindeen  
District 44, William Glaser  
District 45, Alan Olson  
District 46, Mark E. Noennig  
District 47, Dennis Himmelberger  
District 48, Wanda Grinde  
District 49, Roy Brown  
District 50, Tom McGillvray  
District 51, Robyn Driscoll  
District 52, Arlene Becker  
District 53, Elsie Arntzen  
District 54, Gary Branae  
District 55, Michael Lange  
District 56, Don Roberts  
District 57, Penny Morgan  
District 58, Emelie Eaton  
District 59, Joan Andersen  
District 60, Jack W. Ross  
District 61, Bruce Malcolm  
District 62, Pat Wagman  
District 63, Bill Warden  
District 64, Larry Jent  
District 65, Brady Wiseman  
District 66, Christopher Harris  
District 67, John Sinrud  
District 68, Scott Sales  
District 69, Jack Wells  
District 70, Roger Koopman  
District 71, Diane Rice  
District 72, Debby Barrett  
District 73, Art Noonan  
District 74, George Groesbeck  
District 75, Jim Keane  
District 76, Jon Sesso  
District 77, Scott Mendenhall  
District 78, Jill Cohenour  
District 79, Dave Gallik  
District 80, Mary Caferro  
District 81, Christine Kaufmann  
District 82, Hal Jacobson  
District 83, Harry Klock  
District 84, John Ward  
District 85, Cynthia Hiner  
District 86, Dan Villa  
District 87, Ron Stoker  
District 88, Bob Lake  
District 89, Gary MacLaren  
District 90, Ray Hawk  
District 91, Kevin Furey  
District 92, Robin Hamilton  
District 93, Rosalie Buzzas  
District 94, Dave McAlpin  
District 95, Tom Facey  
District 96, Teresa Henry  
District 97, David Wanzenried  
District 98, Holly Raser  
District 99, Gail Gutsche  
District 100, John Balyeat

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All members present. Quorum present.

Brad Johnson, Secretary of State of the State of Montana, extended greetings to the members on behalf of the State of Montana and then delivered the following speech:

"Before the Chief Justice administers the oath of office to all of you, I would like to take a few minutes to say what an honor and privilege it is to be here presiding over this very important event. This is a historic moment in a very historic setting. Little more than an hour ago I was sworn in as Montana's Secretary of State. Governor Schweitzer was sworn in as Montana's new Governor. Now you are about to be sworn in as members of the Montana House of Representatives. I look forward to working with Governor Schweitzer and all of you. While we have our individual duties to perform, it is incumbent upon all of us to serve the people of Montana to the utmost of our collective ability.

We have just been through an historic election with record turnouts and record turnabouts. Although this is a House divided evenly between two great political parties – Democrat and Republican – you are not in fact a House divided in the sense that you are a House about to fall. We are here together sharing a common purpose. The people of Montana have seen fit to send us here, and now we must live up to their most noble expectations. The people of Montana sent us here as representatives of their own diversity. The only mandate we have is to work together to administer a system of government that is not only civic-minded, but civil. We are here to represent the people, not ourselves.

As Secretary of State, one of the things I am going to be doing is reaching out to young Montanans all across this great state of ours, encouraging them to be active and informed participants in our very vital political processes. Montana's youth are critical to how we unfold as a self-governing body of diversely opinioned citizens. None of us is without a constituency that did not vote for us. With that in mind, let us conduct our mutual business in this hallowed Capitol with the utmost dignity and the utmost respect for one another.

I salute all of you for being here. I salute all of the people who voted to send you here. While we are Democrats and Republicans in this elected body, more importantly we are all fellow citizens and fellow Montanans."

Secretary of State Johnson introduced the Honorable Karla Gray, Chief Justice of the Supreme Court of Montana. Chief Justice Gray administered the following oath of office:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives with fidelity, so help me God."

Secretary of State Johnson informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to Chief Justice Gray for her acknowledgment and then filed in the Secretary of State's office.

Secretary of State Johnson called for nominations for Speaker of the House of Representatives.

Representative John Parker nominated Representative David Wanzonried, House District 97 to be the Speaker of the House. Secretary of State Johnson asked if there were any further nominations.

Representative Keane nominated Representative Gary Matthews.

Representative Facey nominated Representative Roy Brown. Representative Brown declined the nomination.

Representative Golie nominated Representative Sales. Representative Sales declined the nomination.

Representative Clark nominated Representative Noennig. Representative Noennig declined the nomination.

Representative Eve Franklin nominated Representative Joe McKenney. Representative McKenney declined the nomination.

Representative Clark nominated Representative Mike Lange. Representative Lange declined the nomination.

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Representative Brown moved the nominations be closed.

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Eaton, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, Matthews, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Secretary Johnson asked that all Representatives voting for Representative Wanzenried press the nay (red) button and all Representatives voting for Representative Matthews press the aye (green) button.

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Eaton, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, Matthews, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Secretary Johnson declared that Representative Matthews had been duly elected Speaker of the House of Representatives for the 59th Legislature. Speaker Matthews was escorted to his chair on the Rostrum.

Representative Parker moved the following be nominated as officers of the House of Representative for the 59th Legislature:

Chief Clerk - Marilyn Miller  
Sergeant-at-Arms - Nancy Clark

The House officers were unanimously elected.

Speaker Matthews appointed a committee of six members to the Rules Committee:



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Rep. Wanzenried  
Rep. Linden  
Rep. Parker  
Rep. Brown  
Rep. Lange  
Rep. Noennig

The House adjourned for the Rules Committee to meet in the Speaker's office.

The House reconvened at 1:20 p.m.

The Rules Committee will meet after today's session.

Representative Brown made the following comments:

"Mr. Speaker, members of the body, friends, relatives, and the people of Montana, thank you for the opportunity to make a few brief comments.

What a difference a couple of years make! 2 years ago there was a \$250 million deficit. Many said, "Raise taxes; increase spending so we can meet the need." Our side of the aisle said, "Hold the line on spending so we can grow our economy out of a deficit."

That is exactly what happened. Now our percentage of job growth, income growth and unemployment rate are among the best in the nation. In 2 years we turned a \$250 million deficit into a \$300 million surplus because we held that line on spending and made more taxpayers instead of raising taxes.

The drum beat grows to increase spending again. Budgets have been proposed that even exceed the statutory limits on growth in spending.

We cannot go back to the tax-and-spend philosophy that failed so miserably in the past. We are now climbing up the economic ladder slowly but surely.

And if we do not succumb to the temptation to be all things for all people, the working families of Montana can continue to climb that economic ladder to a better future.

Timing is everything. For the past 8 years, we have put in place the rungs on that ladder to grow our economy.

Through the marvels of an unjust redistricting plan, through help from the courts and through a level of complacency by a Republican majority in this state, the Democrat political hierarchy can now try to take credit for what we have done.

A Democrat governor, a Democrat Senate and a divided House with a Democrat leader means Democrats now control whether we continue up that ladder to a better future.

The people in this chamber are watching. The people in those galleries are watching. The people across this state are watching.

Let's not disappoint them.

Thank you very much. God bless."

Representative Parker moved that the Speaker appoint a committee of four members to inform the Governor that the House is now organized and ready for business. Motion carried. Speaker Matthews appointed Rep. Buzzas, Chairman, Rep. Alan Olson, Rep. Wiseman. and Rep. Morgan.

Representative Parker moved that the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready for business. Motion carried. Speaker Matthews appointed Rep. Bixby, Chairman, Rep. Roberts, Rep. Lenhart, and Rep. Andersen.

Representative Parker moved that the Speaker appoint a committee of four members to notify the Supreme Court, by letter, that the House is now organized and ready for business. Motion carried. Speaker Matthews appointed Rep. Bernie Olson, Chairman, Rep. Hiner, Rep. Barrett, and Rep. Henry.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

Rep. Wanzenried made the following remarks.

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FIRST LEGISLATIVE DAY - JANUARY 3, 2005

“We begin the 2005 Legislature in the midst of great challenges and opportunities.

By now, we have all received letters commending us on our willingness to sacrifice by being away from home and family to serve our great state.

We must, however, keep our deliberations here in the proper context and perspective.

It is in that spirit that I ask that we observe several moments of silence to honor the brave women and men in the armed forces, especially those abroad in harm's way, who are making far more significant sacrifices, including the possibility of the ultimate sacrifice.

Following the moment of silence, please extend an expression of peace to one another.

With the permission of the House, I would like to make the expression of peace part of daily routine following the pledge of allegiance.

We convene this session believing that we can make a difference.

We must cooperate.

We must work together.

Hard-working Montanans demand that we roll up our sleeves, put our shoulder to the wheel and get to work.

There has been a great deal of attention given to the fact that, at least from a partisan standpoint, the House is evenly divided. 50 – 50.

Throughout the session, it will be our charge to form a team of 100, mindful that we will be judged by the fruits of our labors, not by the number of proposals and spoken words.

Each day, we must remind ourselves that our deliberations are not about those of us in this magnificent setting, in this building, in Helena - - - no, instead, it is about the people outside of this building:

Kids and teachers, workers, truck drivers, sawyers, clerks, seniors, farmers and ranchers, the Indian Nations, homeowners, small business-owners, those with disabilities, and those without hope.

We must recognize the significance of this opportunity and bring forward reasoned proposals to address the many challenges facing our state.

The state's economy and its overall poor performance should be our number one concern.

We frequently refer to our home as “The Last Best Place.”

Tragically, when compared statistically to other states, in too many important measures, Montana has become “The Best Place to Be Last” (or close to it). Yes, there are some promising signs, but, this has to be tempered by the recognition that there has been very little job growth (other than to replace jobs lost previously) and very little wage growth (other than for those holding jobs for extended periods).”

And, yes, our unemployment rate compares us favorably to other states. However, in Indian Country, unemployment exceeds 70 percent!

70 percent. An unemployment rate of 70 percent would be unacceptable in any of our urban areas - - it should be no less acceptable in American Indian communities.

Montana's first citizens deserve our special consideration.

Beginning with kick-starting Montana's economy, we must adopt not only a ‘Can do’ attitude, but a ‘Can do better’ attitude as well.

We must forge strong partnerships with the business community. This will assist in the creation of a robust economy that will allow us to care for our less fortunate neighbors, to educate our kids and to protect this place we call home.

It is time that we regard some government expenditures as investments, not simply as costs.

It is time that we take a step forward to begin the process of investing meaningfully in human resource development.

Sound and measured investments in education at all levels kindergarten through grade 12, technical colleges, tribal colleges, community colleges and our University system are key to better equipping and adapting our workforce now and in the future to compete in a global economy.

These, as well as investments in workforce development, job-training and job-retraining, are essential, if we are to reverse the out-migration of too many younger Montanans and skilled workers. Currently, they leave because they cannot afford the costs of education here or to seek better financial opportunities elsewhere.

We need to direct our attention to the plight and opportunities of small businesses, which comprise 88 percent of all businesses in Montana. Providing incentives and initiatives, including venture capital for entrepreneurs, will assist in strengthening and expanding this important base of our economy.

Additionally, far too many workers in Montana have no health insurance and too many small businesses cannot afford to offer health insurance to their workers.

We must carefully examine the feasibility of extending tax credits to small businesses and the formation of shared risk pools, so that they can offer health insurance coverage for their workers.

We can do better. We must do better.

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Too many Montanans are one medical examination away from economic ruin. We must also stop the cost shifting to other patients with health insurance. We must search for ways to bring down the costs of prescription medications. As we deliberate on health care issues, however, we must be mindful that federal dollars for Medicaid are likely to be slashed and that state matching dollars must be stretched creatively to the limit.

Simply acknowledging the challenges posed by an aging population and the costs of medical care is not enough. It will take an investment. We must recognize that the consequences of inattention, indifference and inaction are very costly to Montanans.

Natural resources have been an essential part of our state's legacy and will continue to play an important part of our state's future. We must commit ourselves and those who seek to develop our resources to the principles of good stewardship. We must protect our pristine waters and air and the untamed vistas that anchor us to this very special place. We must ensure that Montanans have access to public lands to hunt, fish and recreate.

Finally, we must find a way to provide property tax relief to homeowners and small businesses.

I commit to creating a working environment that is open, fair and respectful.

We must all commit ourselves to burn the midnight oil whenever necessary to catch up . . . hard-working Montanans should expect no less. And, as I challenged last session, just when we believe our work is completed, we need to step back and ask ourselves, "Is this really the best that we can do?"

Let's roll up our sleeves and get to work."

### REPORTS OF SELECT COMMITTEES

A committee from the Senate composed of Senators Gillan, Chairman, Smith and Brueggeman were admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Senate that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Governor that the House is ready for business reported it had done so. The committee was thanked and discharged.

### FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced and read first time:

**HB 1-9, HB 11-13, HB 121-218**

The following House joint resolution was introduced and read first time:

**HJR 1**

The following House Bills were introduced, read first time, and referred to committees:

**HB 10**, introduced by Matthews, referred to Business and Labor.

**HB 14**, introduced by Golie, referred to Fish, Wildlife and Parks.

**HB 15**, introduced by Keane, referred to Appropriations.

**HB 16**, introduced by Ripley (by request of the State-Tribal Relations Committee), referred to Education.

**HB 17**, introduced by Buzzas (by request of the Montana Historical Society), referred to State Administration.

**HB 18**, introduced by Juneau (by request of the State-Tribal Relations Committee), referred to State Administration.

**HB 19**, introduced by Andersen, referred to Local Government.

**HB 20**, introduced by Dickenson (by request of the Board of Public Education), referred to Education.

**HB 21**, introduced by Gallik (by request of the Department of Administration), referred to State Administration.

**HB 22**, introduced by McNutt (by request of the Environmental Quality Council), referred to Natural Resources.

**HB 23**, introduced by Parker (by request of the Department of Justice), referred to Judiciary.

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**HB 24**, introduced by Golie (by request of the Legislative Council), referred to Human Services.  
**HB 25**, introduced by Roberts (by request of the Legislative Council), referred to Human Services.  
**HB 26**, introduced by Golie (by request of the Legislative Council), referred to Human Services.  
**HB 27**, introduced by Noennig (by request of the Montana Historical Society), referred to State Administration.  
**HB 28**, introduced by Wanzenried (by request of the Legislative Council), referred to Appropriations.  
**HB 29**, introduced by Golie (by request of the Legislative Council), referred to Business and Labor.  
**HB 30**, introduced by Wanzenried (by request of the Legislative Council), referred to State Administration.  
**HB 31**, introduced by Roberts (by request of the Children, Families, Health, and Human Services Interim Committee), referred to State Administration.  
**HB 32**, introduced by Cohenour (by request of the Department of Public Health and Human Services), referred to Human Services.  
**HB 33**, introduced by Gallik, referred to Judiciary.  
**HB 34**, introduced by McNutt (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 35**, introduced by Jent (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.  
**HB 36**, introduced by Lambert (by request of the Public Employees' Retirement Board), referred to Appropriations.  
**HB 37**, introduced by Lambert, referred to Agriculture.  
**HB 38**, introduced by McNutt (by request of the Department of Revenue), referred to Taxation.  
**HB 39**, introduced by Gutsche (by request of the Department of Justice), referred to Judiciary.  
**HB 40**, introduced by Harris (by request of the Department of Justice), referred to Judiciary.  
**HB 41**, introduced by Wilson (by request of the State Auditor), referred to Business and Labor.  
**HB 42**, introduced by Stahl, referred to Judiciary.  
**HB 43**, introduced by Musgrove, referred to Federal Relations, Energy, and Telecommunications.  
**HB 44**, introduced by Dickenson, referred to Appropriations.  
**HB 45**, introduced by A. Olson (by request of the Department of Administration), referred to State Administration.  
**HB 46**, introduced by Parker (by request of the Department of Justice), referred to Judiciary.  
**HB 47**, introduced by Galvin-Halcro (by request of the Office of Public Instruction), referred to Appropriations.  
**HB 48**, introduced by Dickenson, referred to Federal Relations, Energy, and Telecommunications.  
**HB 49**, introduced by Wilson (by request of the Department of Justice), referred to Judiciary.  
**HB 50**, introduced by Roberts (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 51**, introduced by A. Olson (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.  
**HB 52**, introduced by Cohenour (by request of the Department of Justice), referred to Transportation.  
**HB 53**, introduced by Jacobson (by request of the Legislative Audit Committee), referred to Business and Labor.  
**HB 54**, introduced by Small-Eastman (by request of the Department of Revenue), referred to Taxation.  
**HB 55**, introduced by Wanzenried (by request of the Department of Transportation), referred to Transportation.  
**HB 56**, introduced by Warden (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 57**, introduced by Harris, referred to Natural Resources.  
**HB 58**, introduced by Harris, referred to Judiciary.  
**HB 59**, introduced by Harris, referred to Human Services.  
**HB 60**, introduced by Harris, referred to Human Services.  
**HB 61**, introduced by D. Brown, referred to Judiciary.  
**HB 62**, introduced by Harris, referred to Business and Labor.  
**HB 63**, introduced by Villa (by request of the Office of Public Instruction), referred to Education Select Committee.  
**HB 64**, introduced by R. Brown (by request of the Legislative Council), referred to Human Services.  
**HB 65**, introduced by Maedje, referred to Transportation.  
**HB 66**, introduced by Jent (by request of the Department of Justice), referred to Judiciary.  
**HB 67**, introduced by Jent (by request of the Department of Administration), referred to State Administration.  
**HB 68**, introduced by Andersen, referred to Judiciary.  
**HB 69**, introduced by Barrett, referred to Natural Resources.  
**HB 70**, introduced by Stahl, referred to Local Government.  
**HB 71**, introduced by Lake, referred to Business and Labor.

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**HB 72**, introduced by Peterson (by request of the Department of Revenue), referred to Taxation.  
**HB 73**, introduced by Buzzas, referred to Local Government.  
**HB 74**, introduced by Buzzas, referred to Education.  
**HB 75**, introduced by Buzzas, referred to Local Government.  
**HB 76**, introduced by Buzzas (by request of the Legislative Finance Committee), referred to Appropriations.  
**HB 77**, introduced by B. Olson (by request of the Department of Environmental Quality), referred to Natural Resources.  
**HB 78**, introduced by Harris (by request of the Department of Environmental Quality), referred to Natural Resources.  
**HB 79**, introduced by Golie (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 80**, introduced by Campbell (by request of the Department of Public Health and Human Services ), referred to Human Services.  
**HB 81**, introduced by Ross, Lange, referred to Fish, Wildlife and Parks.  
**HB 82**, introduced by Ross, Lange, referred to Fish, Wildlife and Parks.  
**HB 83**, introduced by Campbell (by request of the Office of Public Instruction), referred to Education.  
**HB 84**, introduced by Kaufmann (by request of the Department of Revenue), referred to Taxation.  
**HB 85**, introduced by Kaufmann (by request of the Department of Revenue), referred to Taxation.  
**HB 86**, introduced by Kaufmann (by request of the Department of Revenue), referred to Agriculture.  
**HB 87**, introduced by Ward, (by request of the Department of Transportation) referred to Transportation.  
**HB 88**, introduced by Caferro (by request of the Department of Public Health and Human Services), referred to Human Services.  
**HB 89**, introduced by Witt (by request of the Department of Justice), referred to Business and Labor.  
**HB 90**, introduced by Kaufmann (by request of the Department of Justice), referred to Judiciary.  
**HB 91**, introduced by Harris, referred to Judiciary.  
**HB 92**, introduced by B. Olson, referred to Local Government.  
**HB 93**, introduced by Harris, referred to Transportation.  
**HB 94**, introduced by Sinrud, referred to Judiciary.  
**HB 95**, introduced by Sinrud, referred to Judiciary.  
**HB 96**, introduced by Sinrud, referred to Business and Labor.  
**HB 97**, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.  
**HB 98**, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.  
**HB 99**, introduced by Lange, Himmelberger, Roberts, referred to Judiciary.  
**HB 100**, introduced by Maedje, referred to Judiciary.  
**HB 101**, introduced by Villa (by request of the Department of Transportation), referred to Transportation.  
**HB 102**, introduced by Lenhart (by request of the Department of Justice), referred to State Administration.  
**HB 103**, introduced by Driscoll (by request of the Department of Justice), referred to Local Government.  
**HB 104**, introduced by Lenhart (by request of the Teachers' Retirement Board), referred to State Administration.  
**HB 105**, introduced by Parker, referred to Local Government.  
**HB 106**, introduced by Stahl (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.  
**HB 107**, introduced by Jent (by request of the Department of Administration), referred to State Administration.  
**HB 108**, introduced by Furey (by request of the Department of Labor and Industry), referred to Business and Labor.  
**HB 109**, introduced by Jent (by request of the Department of Administration, the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 110**, introduced by Furey (by request of the Department of Justice), referred to Judiciary.  
**HB 111**, introduced by Branae (by request of the Office of Public Instruction), referred to Education.  
**HB 112**, introduced by Musgrove (by request of the Legislative Audit Committee), referred to State Administration.  
**HB 113**, introduced by Jent (by request of the Department of Justice), referred to Judiciary.  
**HB 114**, introduced by Witt, referred to State Administration.  
**HB 115**, introduced by McNutt (by request of the Property Tax Exemption Study Committee), referred to Taxation.  
**HB 116**, introduced by Barrett, referred to State Administration.  
**HB 117**, introduced by McGillvray (by request of the Department of Public Health and Human Services), referred to Human Services.

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**HB 118**, introduced by McNutt (by request of the Department of Administration), referred to Business and Labor.

**HB 119**, introduced by Golie (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 120**, introduced by Facey (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committees:

**HJR 2**, introduced by Waitschies (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**ANNOUNCEMENTS**

The Rules Committee will meet in Room 350 at 3:00 p.m.

Representative Parker moved that the House adjourn until 1:00 p.m., Tuesday, January 4, 2005. Motion carried.

House adjourned at 2:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
SECOND LEGISLATIVE DAY**

Helena, Montana  
January 4, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Branae. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Musgrove, excused. Quorum present.

Speaker Matthews introduced the following pages for the week.

Pages: Erin Birdinground, Lodge Grass; Katie Driscoll, Helena; Ashley Eades, Lewistown; Laurretta Hill, Dillon; Cassie Keogh, Missoula; Linsey Penn, Butte.

Rep. Parker introduced the Leadership. For the Republicans Rep. Roy Brown will be the House Leader, Rep. Michael Lange will be Floor Leader, the Whips will be Rep. Debby Barrett and Rep. Dennis Himmelberger. For the Democrats, Rep. Dave Wanzonried will be the House Leader, Rep. John Parker will be the Floor Leader, and the Whips will be Rep. Gail Gutsche and Rep. Bob Bergren.

**MOTIONS**

Rep. Parker moved the Joint Rules of the 58th Legislature be adopted as temporary Joint Rules for the 59th Legislature until Joint Rules are adopted. Motion carried unanimously.

Rep. Parker moved that the memorandum of agreement printed and placed on members' desks and the House Rules of the 58th Legislature that are not in conflict with the memorandum of agreement be adopted as temporary operating rules for the House of Representatives of the 59th Legislature until House Rules are adopted. (Memorandum of Agreement below.)

**Memorandum of Agreement  
Recommended by the House Rules Subcommittee**

The House Rules Committee subcommittee, comprised of Representative Wanzonried, Representative Parker, Representative Lindeen, Representative Brown, Representative Lange, and Representative Noennig, recommend the following:

(1) Officers of the House.

(a) In order to reflect the even division of the House, the terms "majority" and "minority" normally associated with the respective caucus leaders will be changed to reflect the particular caucus that selected that officer.

(b) There is an additional officer of the House to be known as the House Republican Leader. If the Speaker is not the elected leader of the Democratic House caucus, then there is another officer of the House to be known as the House Democratic Leader. The House Republican Leader and the House Democratic Leader will be elected by their respective caucuses.

(c) The House Democratic caucus shall elect a Democratic Floor Leader and Democratic Whips, and the House Republican caucus shall elect a Republican Floor Leader and Republican Whips.

(2) Duties of the Speaker. The duties of the Speaker as presiding officer are those duties traditionally associated with the position as provided in the House Rules and the Joint Rules of the Montana Legislature. Other duties of the Speaker are modified as provided in this agreement.

(3) Organization of Standing Committees of the House.

(a) Each standing committee must be comprised of an equal number of members of each political party.

- (b) There will be an equal number of committees chaired by the members of each political party.
- (c) There must be two vice-chairmen for each committee, one from each political party.
- (d) The Democrats will chair the following standing committees: Appropriations; Business and Labor; Education; Ethics; Fish, Wildlife, and Parks; Human Services; Rules; and State Administration.
- (e) The Republicans will chair the following standing committees: Agriculture; Federal Relations, Energy, & Telecommunications; Judiciary; Legislative Administration; Local Government; Natural Resources; Taxation; and Transportation.
- (f) A subcommittee of a standing committee may be appointed by the chairman of the committee. A subcommittee must be comprised of an equal number of members from each political party. The chairman of the standing committee shall appoint the chairman of the subcommittee.
- (g) The House Democratic Leader, in consultation with the Speaker, shall appoint the Democratic committee chairmen and vice-chairmen and the House Republican Leader, in consultation with the Speaker, shall appoint the Republican committee chairmen and vice-chairmen. The authority to appoint carries with it the power to remove a chairman or vice-chairman from a committee.
- (h) The members of the standing and select committees shall be appointed by the House Democratic Leader and the House Republican Leader after good faith consultation with the Speaker and the other House Leader. The Speaker shall appoint a total of 3 members to standing committees. After the Speaker has made appointment, the Democratic House Leader and the Republican House Leader shall appoint the members of their respective parties. The authority to appoint carries with it the power to remove a member from a committee.
- (i) The Speaker, the House Democratic Leader, the House Republican Leader, and the two floor leaders are ex officio nonvoting members of all committees.
- (j)(A) Except as provided in item 3(j)(B), a tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill "do pass" or "do not pass" does not result in the matter passing out to the whole House for consideration without recommendation.
- (B) Each political party is entitled to choose 12 bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation. The bills must be chosen by the House Democratic Leader for the Democratic party and the House Republican Leader for the Republican party. The House Democratic Leader and the House Republican Leader may agree in writing to increase the number of bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation.

(4) Appointment and Recommendations of Conference Committees.

- (a) Conference committees must be composed of an equal number of members from each political party. The members of conference committees must be appointed by the House Democratic Leader and the House Republican Leader after good faith consultation. Each leader shall appoint the members of their respective party. If there is no House Democratic Leader, then the Speaker shall appoint the members.
- (b) A tie vote in a conference committee on the question of a recommendation to the whole House on a matter referred for a conference results in the matter passing out to the whole House for consideration without recommendation.

(5) Subcommittees of the Committee on Appropriations.

- (a) There will be six subcommittees of the Committee on Appropriations. Three subcommittees will be chaired by Democratic representatives and three subcommittees will be chaired by Republican representatives.
- (b) The chairman of the Committee on Appropriations shall choose the first subcommittee chairman and the vice-chairman of the Committee on Appropriations from the other political party shall choose the second subcommittee chairman. The parties shall then alternate the selection of the remaining subcommittee chairmen.



(6) Staff. All House staff hired to date will be retained.

(7) Office Space. The House Democratic Leader and the House Republican Leader shall meet and reach an agreement on the office space allocated to each political party. If there is no House Democratic Leader, the Speaker shall act on behalf of the Democrats.

(8) Scheduling and Assignment of Bills.

(a) The Speaker will set the schedule for the House and schedule bills for debate on second reading after good faith consultation with the House Democratic Leader and the House Republican Leader.

(b) If the Speaker is not the elected leader of the Democratic caucus, the Rules Committee shall establish the jurisdiction of each standing committee and bills must be assigned to committee by the Chief Clerk of the House in conformity to the committee jurisdiction. The assignment of a bill to a committee may be appealed to the Rules Committee by either House Leader. If the Rules Committee does not reassign a bill to another committee, the original assignment may not be changed unless accomplished by motion on the House floor.

(c) Until the Rules Committee establishes the jurisdiction of each standing committee, bills may be assigned to committee by agreement between the Speaker, the House Democratic Leader, and the House Republican Leader.

(9) Procedural Motions. The floor leader of the party of the Speaker shall make routine procedural motions required to conduct the business of the House.

(10) Fiscal Notes. Upon request of the House Leader of the opposite party, the Speaker will submit a request for a fiscal note on any bill.

(11) Amendment to House Rules. The House Rules will be amended to reflect the respective responsibilities of the House Democratic Leader and House Republican Leader as reflected in this agreement and this agreement will supercede any conflicting House rules.

(12) Entry Upon the Journal. This agreement must be entered upon the House Journal on the legislative day of its adoption.

Motion for adoption of temporary House rules passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

#### **ANNOUNCEMENTS**

Speaker Matthews announced that Rep. Lange and Rep. Lindeen will work with him on Committee assignments.

Speaker Matthews stated the House will not be in session on Saturday, January 8, 2005.

Representative Parker moved that the House adjourn until 1:00 p.m., Thursday, January 6, 2005. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
THIRD LEGISLATIVE DAY - JANUARY 5, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
THIRD LEGISLATIVE DAY**

Helena, Montana  
January 5, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Diane Rice. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews announced that the Committee Chairs would meet with him upon adjournment today.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were referred to committees:

**HB 1**, introduced by Witt (by request of the Legislative Council), referred to Appropriations.  
**HB 2**, introduced by Witt (by request of the Office of Budget and Program Planning), referred to Appropriations.  
**HB 3**, introduced by Witt (by request of the Office of Budget and Program Planning), referred to Appropriations.  
**HB 4**, introduced by Musgrove (by request of the Office of Budget and Program Planning), referred to Appropriations.  
**HB 5**, introduced by Wells (by request of the Office of Budget and Program Planning), referred to Appropriations.  
**HB 6**, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Appropriations.  
**HB 7**, introduced by Callahan (by request of the Department of Natural Resources and Conservation, the Office of Budget and Program Planning), referred to Appropriations.  
**HB 8**, introduced by Witt (by request of the Department of Natural Resources and Conservation, the Office of Budget and Program Planning), referred to Appropriations.  
**HB 9**, introduced by Witt (by request of the Office of Budget and Program Planning), referred to Appropriations.  
**HB 11**, introduced by McNutt (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Appropriations.  
**HB 12**, introduced by Sesso (by request of the Department of Environmental Quality and the Office of Budget and Program Planning), referred to Appropriations.  
**HB 13**, introduced by Ripley (by request of the Department of Administration and the Office of Budget and Program Planning), referred to State Administration.  
**HB 121**, introduced by Lambert, referred to Natural Resources.  
**HB 122**, introduced by Small-Eastman, referred to Education.  
**HB 123**, introduced by Facey, referred to State Administration.  
**HB 124**, introduced by Facey (by request of the Education and Local Government Interim Committee), referred to State Administration.  
**HB 125**, introduced by Raser (by request of the Office of Public Instruction), referred to Education.  
**HB 126**, introduced by Mendenhall (by request of the Economic Affairs Interim Committee), referred to Business and Labor.  
**HB 127**, introduced by Mendenhall (by request of the Department of Public Health and Human Services), referred to Human Services.  
**HB 128**, introduced by Jent (by request of the Department of Military Affairs), referred to State Administration.  
**HB 129**, introduced by Andersen, referred to Fish, Wildlife and Parks.  
**HB 130**, introduced by B. Olson, referred to Education.  
**HB 131**, introduced by Clark (by request of the Department of Justice), referred to Fish, Wildlife and Parks.  
**HB 132**, introduced by Bixby, Small-Eastman (by request of the Department of Justice), referred to Judiciary.  
**HB 133**, introduced by Barrett, referred to Local Government.  
**HB 134**, introduced by Golie, Eaton, referred to Taxation.  
**HB 135**, introduced by D. Brown (by request of the Legislative Audit Committee), referred to State Administration.  
**HB 136**, introduced by A. Olson (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.  
**HB 137**, introduced by Juneau (by request of the State-Tribal Relations Committee), referred to Education.

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**HB 138**, introduced by Roberts, referred to Business and Labor.  
**HB 139**, introduced by Gallik (by request of the Department of Military Affairs), referred to State Administration.  
**HB 140**, introduced by Parker, referred to Business and Labor.  
**HB 141**, introduced by A. Olson (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.  
**HB 142**, introduced by Ripley (by request of the Department of Natural Resources and Conservation), referred to Local Government.  
**HB 143**, introduced by Clark (by request of the Department of Environmental Quality), referred to Natural Resources.  
**HB 144**, introduced by Kaufmann (by request of the Department of Environmental Quality), referred to Natural Resources.  
**HB 145**, introduced by Facey, referred to Business and Labor.  
**HB 146**, introduced by Gallik, referred to Judiciary.  
**HB 147**, introduced by Clark (by request of the Department of Environmental Quality), referred to Natural Resources.  
**HB 148**, introduced by Lambert (by request of the Public Employees' Retirement Board), referred to State Administration.  
**HB 149**, introduced by Gallik (by request of the State Auditor), referred to Business and Labor.  
**HB 150**, introduced by Galvin-Halcro, referred to State Administration.  
**HB 151**, introduced by Galvin-Halcro, referred to Education.  
**HB 152**, introduced by Galvin-Halcro (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.  
**HB 153**, introduced by Noennig (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.  
**HB 154**, introduced by Jacobson (by request of the Department of Administration), referred to Business and Labor.  
**HB 155**, introduced by Barrett (by request of the Secretary of State), referred to State Administration.  
**HB 156**, introduced by Henry (by request of the State Auditor), referred to Business and Labor.  
**HB 157**, introduced by McKenney (by request of the State Auditor), referred to Business and Labor.  
**HB 158**, introduced by McKenney (by request of the Department of Revenue), referred to Taxation.  
**HB 159**, introduced by McKenney (by request of the Department of Labor and Industry), referred to Business and Labor.  
**HB 160**, introduced by Jacobson (by request of the Department of Labor and Industry), referred to Business and Labor.  
**HB 161**, introduced by McNutt (by request of the Department of Labor and Industry), referred to Business and Labor.  
**HB 162**, introduced by Henry (by request of the Office of Public Instruction), referred to Education.  
**HB 163**, introduced by B. Olson (by request of the State Library Commission), referred to State Administration.  
**HB 164**, introduced by McNutt (by request of the Montana Historical Society), referred to Transportation.  
**HB 165**, introduced by Furey, referred to State Administration.  
**HB 166**, introduced by Furey, referred to State Administration.  
**HB 167**, introduced by MacLaren (by request of the Secretary of State), referred to State Administration.  
**HB 168**, introduced by Becker (by request of the State Auditor), referred to Business and Labor.  
**HB 169**, introduced by McAlpin (by request of the Department of Justice), referred to Judiciary.  
**HB 170**, introduced by Wilson (by request of the Revenue and Transportation Interim Committee), referred to Transportation..  
**HB 171**, introduced by Cohenour (by request of the Department of Revenue), referred to Taxation.  
**HB 172**, introduced by Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 173**, introduced by Heinert (by request of the Department of Fish, Wildlife, and Parks), referred to State Administration.  
**HB 174**, introduced by Witt (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 175**, introduced by Cohenour (by request of the State Compensation Insurance Fund), referred to Business and Labor.  
**HB 176**, introduced by Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**HB 177**, introduced by A. Olson (by request of the Secretary of State), referred to State Administration.  
**HB 178**, introduced by Taylor (by request of the Department of Natural Resources and Conservation), referred to

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Natural Resources.

**HB 179**, introduced by Lake (by request of the Secretary of State), referred to Business and Labor.

**HB 180**, introduced by Lake (by request of the Secretary of State), referred to Business and Labor.

**HB 181**, introduced by Musgrove (by request of the Teachers' Retirement Board), referred to State Administration.

**HB 182**, introduced by Roberts (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 183**, introduced by Franklin (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 184**, introduced by McAlpin (by request of the State Library Commission), referred to State Administration.

**HB 185**, introduced by Harris (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 186**, introduced by Bergren (by request of the Department of Justice), referred to Transportation.

**HB 187**, introduced by Bergren, referred to Transportation.

**HB 188**, introduced by Bergren (by request of the State Auditor), referred to Business and Labor.

**HB 189**, introduced by Matthews, referred to Business and Labor.

**HB 190**, introduced by Becker (by request of the Department of Justice), referred to Judiciary.

**HB 191**, introduced by Becker (by request of the Department of Justice), referred to Judiciary.

**HB 192**, introduced by Waitschies (by request of the Department of Justice), referred to Transportation.

**HB 193**, introduced by Waitschies (by request of the Department of Revenue), referred to Taxation.

**HB 194**, introduced by Matthews (by request of the Department of Revenue), referred to Taxation.

**HB 195**, introduced by Matthews (by request of the Department of Labor and Industry), referred to Agriculture.

**HB 196**, introduced by Jayne (by request of the Department of Public Health and Human Services), referred to Judiciary.

**HB 197**, introduced by Jayne (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 198**, introduced by Villa (by request of the Department of Administration), referred to State Administration.

**HB 199**, introduced by A. Olson (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

**HB 200**, introduced by Wanzonried (by request of the State Auditor), referred to Taxation.

**HB 201**, introduced by Ripley (by request of the Department of Justice), referred to Natural Resources.

**HB 202**, introduced by Noonan (by request of the Department of Administration), referred to Business and Labor.

**HB 203**, introduced by Roberts (by request of the Department of Labor and Industry), referred to Business and Labor.

**HB 204**, introduced by Witt (by request of the Department of Justice), referred to Business and Labor.

**HB 205**, introduced by Parker (by request of the Supreme Court), referred to Judiciary.

**HB 206**, introduced by Noonan (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 207**, introduced by McKenney, referred to Business and Labor.

**HB 208**, introduced by Kaufmann (by request of the Department of Fish, Wildlife, and Parks), referred to Natural Resources.

**HB 209**, introduced by McKenney, referred to Business and Labor.

**HB 210**, introduced by Parker (by request of the Supreme Court), referred to Judiciary.

**HB 211**, introduced by Parker (by request of the Supreme Court), referred to State Administration.

**HB 212**, introduced by Sesso (by request of the Department of Environmental Quality), referred to Federal Relations, Energy, and Telecommunications.

**HB 213**, introduced by Gallik (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 214**, introduced by Sales (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**HB 215**, introduced by Caferro (by request of the Department of Commerce), referred to Human Services.

**HB 216**, introduced by Caferro (by request of the Department of Public Health and Human Services), referred to Human Services.

**HB 217**, introduced by Roberts, referred to Judiciary.

**HB 218**, introduced by B. Olson, referred to Local Government.

The following House bills were introduced, read first time, and referred to committees:

**HB 219**, introduced by Eaton, referred to Taxation.

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**HB 220**, introduced by Lake, referred to Local Government.

**HB 221**, introduced by W. Jones, referred to Taxation.

**HB 222**, introduced by Roberts, referred to Judiciary.

**HB 223**, introduced by Jent, referred to Business and Labor.

**HB 224**, introduced by Ross, Facey, Glaser, Lake, referred to Transportation.

**HB 225**, introduced by Maedje, Andersen, Arntzen, Butcher, Everett, W. Jones, Lambert, Malcolm, Esp, Ward, Heinert, Sonju, Taylor, Wagman, Stahl, referred to Fish, Wildlife and Parks.

**HB 226**, introduced by McAlpin, referred to Local Government.

**HB 227**, introduced by Galvin-Halcro, referred to Taxation.

**HB 228**, introduced by Galvin-Halcro, referred to Business and Labor.

**UNFINISHED BUSINESS**

Chief Clerk Marilyn Miller read a letter from Speaker Matthews informing her that he has appointed a Select Committee on Education Funding. The members of the committee are as follows:

Rep. Monica Lindeen, Chair

Rep. Bill Glaser, Vice-Chair

Rep. Norma Bixby

Rep. Tim Dowell

Rep. Dave Gallik

Rep. Verdell Jackson

Rep. Bob Lake

Rep. Holly Raser

Rep. Jon Sonju

Rep. Pat Wagman

HOUSE JOURNAL  
THIRD LEGISLATIVE DAY - JANUARY 5, 2005

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Thursday, January 6, 2005. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 6, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Sue Dickenson . Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Windy Boy, excused. Quorum present.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 229**, introduced by Hendrick, referred to Education.  
**HB 230**, introduced by Jacobson, referred to Local Government.  
**HB 231**, introduced by Morgan, Lange, Sinrud, McGillvray, Tropila, referred to Judiciary.  
**HB 232**, introduced by Noennig, Lange, referred to Judiciary.  
**HB 233**, introduced by Lange, referred to Local Government.  
**HB 234**, introduced by Lange, Himmelberger, Sinrud, referred to State Administration.  
**HB 235**, introduced by Lange, R. Brown, Himmelberger, McGillvray, Sinrud, Warden, Wagman, referred to Fish, Wildlife and Parks.  
**HB 236**, introduced by Jackson, referred to Natural Resources.  
**HB 237**, introduced by Juneau, Bixby, Buzzas, Campbell, Cocchiarella, Dowell, Facey, Galvin-Halcro, Gillan, Harrington, Kaufmann, Roush, Williams, Wilson, Branae, Caferro, Cohenour, Henry, Raser, Laslovich, Mangan, Smith, Furey, McAlpin, Ripley, Roberts, Kitzenberg referred to Business and Labor.  
**HB 238**, introduced by Morgan, Lange, Koopman, McGillvray, referred to Judiciary.  
**HB 239**, introduced by D. Brown, referred to State Administration.  
**HB 240**, introduced by Facey, Furey, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 3**, introduced by Jackson, referred to Federal Relations, Energy, and Telecommunications.

**MOTIONS**

Rep. Parker made a motion to re-refer HB 47 from the Appropriations Committee to the Standing Committee on Education. Motion carried.

Rep. Parker moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving an address by U. S. Senator Conrad Burns. And further that, following the session, the House reconvene at 1:00 p.m., January 7, 2005.

**SPECIAL ORDERS OF THE DAY**

Sgt.-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Spt.-at-Arms Clark to admit the Honorable Senate to the House Chambers.



HOUSE JOURNAL  
FOURTH LEGISLATIVE DAY - JANUARY 6, 2005

Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from U.S. Senator, the Honorable Conrad Burns. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify U.S. Senator Burns that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Tropila, Senator Tash, Representative Witt, and Representative Bixby and discharged the committee to escort The Honorable Senator Burns into the House Chambers.

The Committee escorted Senator Burns into the chambers.

Father Jerry Lowney gave the invocation, followed by the Pledge of Allegiance.

President Tester introduced U.S. Senator Burns, who gave an address to the joint session.

President Tester thanked U.S. Senator Burns and directed the escort committee to escort U.S. Senator Burns from the joint session.

**ANNOUNCEMENTS**

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from U. S. Senator Burns, be adjourned. Motion carried.

Joint session adjourned at 1:35 p.m.

House adjourned at 1:35 p.m. until 1:00 p.m., Friday, January 7, 2005.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 7, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 7, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Miss Cassie Keogh, page of Rep. Ross, who presented "the Lord's Prayer" on the clarinet. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Dickenson, Maedje, Parker, Small-Eastman, excused.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Speaker Matthews reappointing Rep. Diane Rice to the Montana Heritage Preservation and Development Commission.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Rice, Chairman):

1/10/2005

**HB 39**, do pass and be placed on the consent calendar. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 241**, introduced by Wanzenried, referred to State Administration.

**HB 242**, introduced by Lambert, referred to Fish, Wildlife and Parks.

**HB 243**, introduced by Lambert, referred to Judiciary.

**HB 244**, introduced by Lambert, referred to State Administration.

**HB 245**, introduced by MacLaren, referred to Judiciary.

**HB 246**, introduced by Stoker, referred to Taxation.

**HB 247**, introduced by Ross, referred to Local Government.

**HB 248**, introduced by McGillvray, referred to Business and Labor.

**HB 249**, introduced by Lindeen, Gillan, Bergren, Branae, Brueggeman, Callahan, Campbell, Clark, Cooney, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Golie, Grinde, Hamilton, Harris, Jacobson, Jayne, Laslovich, Matthews, Mendenhall, Noennig, Parker, Pease, Ryan, Sinrud, Tester, Tropila, Wanzenried, Wilson, Witt, Barkus, Hawks, Weinberg, Eaton, Jopek, Groesbeck, A. Olson, Windham, Driscoll, Groesbeck, Cocchiarella, Becker, McGillvray, Harrington, Larson, Noonan, Gallus, Roberts, Sesso, Small-Eastman, Gebhardt, Lenhart, Ellingson, referred to Taxation.

**HB 250**, introduced by Becker, Harris, referred to Judiciary.

**HB 251**, introduced by Harris, Becker, Malcolm, Sesso, referred to Natural Resources.

**HB 252**, introduced by Harris, referred to Taxation.

**HB 253**, introduced by Harris, Becker, Hiner, Wiseman, referred to State Administration.

**HB 254**, introduced by Harris, Becker, referred to Judiciary.

**HB 255**, introduced by Roberts, referred to Human Services.

**MOTIONS**

Rep. Wanzenried moved that HB 124 be moved from State Administration Committee to the Select Committee on Education. Motion carried.

Rep. Wanzenried moved that HB 130 be moved from Education Committee to the State Administration

HOUSE JOURNAL  
FIFTH LEGISLATIVE DAY - JANUARY 7, 2005

Committee. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Rep. Wanzonried moved that the House adjourn until 1:00 p.m., Monday, January 10, 2005. Motion carried.

House adjourned at 1:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 10, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Dan Villa. Pledge of Allegiance to the Flag.

Roll Call. All members present except Rep. Small-Eastman, Parker, Golie, Dickenson, excused. Quorum present.

Speaker Matthews introduced the following pages for the week.

Pages: Katie Hill, Mosby; Melissa Hill, Mosby; Brianna Lake, Ronan; George Murphy, Polson; Emily Knobel, Conrad; Amanda Dayton, Anaconda.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter by Speaker Matthews appointing Rep. Scott Mendenhall to the Legislative Audit Committee.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Keane, Chairman):

1/10/2005

**HB 53**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 118**, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

Senate Bills 24 and 141 were transmitted to the House for concurrence.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 256**, introduced by Juneau, Bergren, Dowell, referred to State Administration.

**HB 257**, introduced by Branae, referred to Judiciary.

**HB 258**, introduced by Wanzonried, Campbell, Dowell, Hansen, Jayne, Juneau, Pease, Roush, Small-Eastman, Bixby, referred to Education.

**HB 259**, introduced by Kaufmann, referred to Judiciary.

**HB 260**, introduced by W. Jones, referred to Fish, Wildlife and Parks.

HOUSE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 10, 2005

**MOTIONS**

Rep. Lange moved HB 125 be re-referred from Education Committee to the House Education Select Committee.  
Motion passed.

**SPECIAL ORDERS OF THE DAY**

The following bill was placed on the consent calendar: HB 39.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Rep. Lange moved that the House adjourn until 1:00 p.m., Tuesday, January 11, 2005. Motion carried.

House adjourned at 1:15 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTH LEGISLATIVE DAY

Helena, Montana  
January 11, 2005

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Tom McGillvray. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Wanzenried and Wilson, excused. Quorum present.

Speaker Matthews reminded Representatives to be careful to note the time bills are picked up. Bills must be turned in within two days after pick up.

Speaker Matthews explained about bills placed on the consensus calendar. On day 1 the bills are placed on the voting board, day 2 the bills are placed on the Representatives desks, and on day 3 the bills are placed on third reading.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Senate President Jon Tester and Members of the Montana State Senate informing the House of Representatives that the Senate had raised \$842.40 for the Tsunami victims of the catastrophic Asian earthquake. The Senate challenges all members of the Montana House of Representatives to match these funds.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):  
**HB 1**, introduced bill, be amended as follows:

1/11/2005

1. Page 1, line 14.  
**Strike:** "\$2,418,042"  
**Insert:** "\$2,383,047"

2. Page 1, line 15.  
**Strike:** "4,009,027"  
**Insert:** "3,963,836"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):  
**HB 29**, do pass. Report adopted.  
**HB 108**, do pass. Report adopted.  
**HB 138**, introduced bill, be amended as follows:

1/11/2005

1. Title, line 6.  
**Following:** "MATTERS;"  
**Insert:** "AUTHORIZING SCREENING PANELS TO OVERSEE REHABILITATION PROGRAMS;"

2. Page 1, line 17.  
**Following:** "37-1-307"  
**Insert:** "and shall authorize the screening panel to oversee any rehabilitation program established pursuant to 37-3-203"

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2005

3. Page 1, line 28.

**Following:** "37-1-307"

**Insert:** "and shall authorize the screening panel to oversee any rehabilitation program established pursuant to 37-4-311"

And, as amended, do pass. Report adopted.

**HB 154**, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/11/2005

**HB 21**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 67**, introduced bill, be amended as follows:

1. Page 4, line 2.

**Strike:** "bidder or offeror"

**Strike:** "a person who has"

2. Page 4, line 4.

**Strike:** "bidder or offeror"

**Strike:** "a person who has submitted a bid that"

3. Page 4, line 5.

**Following:** "bids"

**Insert:** "or request for proposals"

4. Page 6, line 8.

**Strike:** "or offeror"

5. Page 6, line 14.

**Strike:** "or offeror"

6. Page 7, line 5.

**Strike:** "bidder or"

And, as amended, do pass. Report adopted.

**TAXATION** (Waitschies, Chairman):

1/11/2005

**HB 85**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 194**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 261**, introduced by Lange, referred to State Administration.

**HB 262**, introduced by Lange, referred to Judiciary.

**HB 263**, introduced by Lange, referred to State Administration.

**HB 264**, introduced by Windham, referred to Judiciary.

**HB 265**, introduced by Arntzen, Andersen, Lange, McGillvray, Mendenhall, Roberts, Warden, referred to

HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2005

Judiciary.

**HB 266**, introduced by Rice, Arntzen, Barrett, Hendrick, Jones, Lambert, McGillvray, Peterson, Ripley, Waitschies, Witt, referred to Transportation.

**HB 267**, introduced by Stoker, Hendrick, Shockley, referred to Judiciary.

**HB 268**, introduced by D. Brown, referred to State Administration.

**HB 269**, introduced by Clark, Cohenour, Dowell, Harris, Villa, referred to Transportation.

**HB 270**, introduced by Lindeen, Mangan, referred to Business and Labor.

**HB 271**, introduced by Lindeen, referred to Business and Labor.

**HB 272**, introduced by Lambert, referred to Fish, Wildlife and Parks.

**HB 273**, introduced by Lambert, referred to Transportation.

**HB 274**, introduced by Peterson, Lake, referred to Agriculture.

**HB 275**, introduced by Jacobson, referred to Transportation.

**HB 276**, introduced by Jacobson, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 4**, introduced by Peterson, Butcher, Campbell, McNutt, Waitschies, referred to Federal Relations, Energy, and Telecommunications.

**MOTIONS**

Rep. Parker moved HB 249 be re-referred from Taxation Committee to Business and Labor Committee. Motion passed.

Rep. Parker moved HB 121 be re-referred from Natural Resources Committee to Federal Relations, Energy, and Telecommunications Committee. Motion passed.

**SPECIAL ORDERS OF THE DAY**

The following bill was placed on the consent calendar: HB 39.



HOUSE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2005

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Wednesday, January 12, 2005. Motion carried.

House adjourned at 1:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTH LEGISLATIVE DAY

Helena, Montana  
January 12, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Dee Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except for Representative Wilson and Wanzenried, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/13/2005  
Correctly printed: **HB 29, HB 108, HB 154.**  
Correctly printed: **HB 29, HB 108, HB 154.**

**AGRICULTURE** (Butcher, Chairman): 1/12/2005  
**HB 37**, introduced bill, be amended as follows:

1. Title, line 4.  
**Following:** "THE"  
**Insert:** "STATE"

2. Title, line 5.  
**Following:** first "ACCOUNT"  
**Insert:** AND IN COUNTY PREDATORY ANIMAL CONTROL FUNDS  
**Following:** "THE"  
**Insert:** "RESPECTIVE"  
**Following:** second "ACCOUNT"  
**Insert:** "OR FUNDS"  
**Strike:** "SECTION"  
**Insert:** "SECTIONS"

3. Title, line 6.  
**Following:** "15-24-925,"  
**Insert:** "81-7-303, AND 81-7-603,"

4. Page 1, following line 20.  
**Insert:** "Section 2. Section 81-7-303, MCA, is amended to read:

**"81-7-303. County commissioners permitted to require per capita license fee on sheep.** (1) To defray the expense of protection, the board of county commissioners of a county may require all owners or persons in possession of a sheep 1 year of age or older in the county on the regular assessment date of each year as provided in 15-24-903 to pay a per capita license fee in an amount to be determined by the board. All owners or persons in possession of a sheep 1 year of age or older coming into the county after the regular assessment date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are subject to payment of the license fee.

(2) Upon the order of the board of county commissioners, the license fees may be imposed by entering the name of the licensee upon the assessment record of the county by the department of revenue. The license fees are payable to and must be collected by the county treasurer. When levied, the fees are a lien upon the property, both real and personal, of the licensee. If the person against whom the license fee is levied does not own real estate against which the license fee is or may become a lien, then the license fee is payable immediately upon its levy and the treasurer shall collect the fee in the manner provided by law for the collection of personal property taxes that are not a lien upon real estate.

(3) When collected, the fees must be placed in the predatory animal control fund and the fund may be expended on order of the board of county commissioners of the county for predatory animal control only. Interest earned on money in the fund must be deposited in the fund."

HOUSE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

**Insert:** "Section 3. Section 81-7-603, MCA, is amended to read:

**"81-7-603. County commissioners permitted to levy per capita license fee on cattle.** (1) To defray the expense of protection, the board of county commissioners may require all owners or persons in possession of any cattle 9 months ~~old~~ of age or older in the county on the regular assessment date of each year as provided in 15-24-903 to pay a per capita license fee in an amount to be determined by the board. All owners or persons in possession of cattle 9 months ~~old~~ of age or older coming into the county after the regular assessment date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are subject to payment of the license fee.

(2) Upon the order of the board of county commissioners, the license fee may be imposed by entering the name of the licensee upon the assessment record of the county by the department of revenue. The license fee is payable to the county treasurer. When levied, the fee is a lien upon the property, both real and personal, of the licensee. If the person against whom the license fee is levied does not own real estate against which the license fee is or may become a lien, then the license fee is payable immediately upon its levy and the treasurer shall collect the fee in the manner provided by law for the collection of personal property taxes that are not a lien upon real estate.

(3) The fees must be placed in a predatory animal control fund separate from the fund provided for in 81-7-303. The money in the predatory animal control fund may be expended by the board of county commissioners only for the predatory animal control program. Interest earned on money in the fund must be deposited in the fund. "

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/12/2005

**HB 27**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

1/15/2005

**SB 132**, introduced by Cooney

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 277**, introduced by Maedje, Curtiss, Heinert, referred to Fish, Wildlife and Parks.

**HB 278**, introduced by Eaton, Bergren, Hamilton, Caferro, Furey, Gallus, Golie, Henry, Jopek, referred to Taxation.

**HB 279**, introduced by Wagman, referred to State Administration.

**HB 280**, introduced by Wagman, referred to Judiciary.

**HB 281**, introduced by Wagman, referred to Business and Labor.

**HB 282**, introduced by Jopek, referred to State Administration.

**HB 283**, introduced by Jopek, Weinberg, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 1** - Representative Witt moved **HB 1** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey,

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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Clark, Koopman, Sinrud.  
Total 4

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: Jent.  
Total 1

**HB 29** - Representative Golie moved **HB 29** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: Bergren, Jent.  
Total 2

**HB 108** - Representative Furey moved **HB 108** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

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Voted Absentee: Wanzenried, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: Jent.  
Total 1

**HB 154** - Representative Jacobson moved **HB 154** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Jopek.  
Total 1

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: Jent.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 39** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Wanzenried, Wilson.  
Total 2

Absent or not voting: Jent, B. Olson.  
Total 2

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**MOTIONS**

Rep. Parker moved that HB 266 be re-referred from the Transportation Committee to the Agriculture Committee.  
Motion carried.

Rep. Parker moved that HB 197 be re-referred from the Health and Human Services Committee to the Judiciary Committee. Motion carried.

Rep. Parker moved that HB 208 be re-referred from Natural Resources Committee to Fish, Wildlife, and Parks Committee. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Rep. Lindeen requested that the following sponsors be added to HB 249: Rep. Gallik, Hamilton, Jent, Windy Boy, Sen. Cocchiarella, Gallus, Gillan, Hansen, Larson, Mangan, Roush, Ryan, Schmidt, Smith, Tester, Tropila, Weinberg, Wheat, Williams.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Thursday, January 13, 2005. Motion carried.

House adjourned at 1:28 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
NINTH LEGISLATIVE DAY

Helena, Montana  
January 13, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Joan Andersen. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Barrett, excused. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read letters from Speaker Matthews informing her of his appointment of Rep. Penny Morgan, and reappointment of Rep. Larry Jent to the Capitol Complex Advisory Council; appointment of Rep. Jon Sinrud and Rep. Gary Branae to the Legislative Finance Committee; and appointment of Rep. Jack Ross to the Environmental Quality Council.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/13/2005  
Correctly printed: **HB 27**.  
Correctly engrossed: **HB 37**.

**BUSINESS AND LABOR** (Keane, Chairman): 1/13/2005  
**HB 168**, do pass. Report adopted.  
**HB 180**, introduced bill, be amended as follows:

1. Title, line 11.  
**Strike:** "AND"

2. Title, line 12.  
**Following:** "30-13-212,"  
**Strike:** "35-1-1207,"  
**Insert:** "32-1-112,"

3. Title, line 13.  
**Following:** "MCA"  
**Insert:** "; AND REPEALING SECTION 35-1-1207, MCA"

4. Page 1, line 29.  
**Strike:** "amended or"

5. Page 3, line 26 through page 4, line 7.  
**Strike:** section 5 in its entirety  
**Renumber:** subsequent sections

6. Page 4, following line 7.  
**Insert:** "**Section 5.** Section 32-1-112, MCA, is amended to read:  
"**32-1-112. Applicability of corporation law.** (1) Except as provided in subsection (2), the provisions of Title 35, chapter 1, apply to banks unless a section in this title or a rule or order issued under this chapter is



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inconsistent with Title 35, chapter 1.

(2) The provisions of 35-1-114, 35-1-115(4) through (10), 35-1-308(1), 35-1-623(2), 35-1-936, 35-1-1106, 35-1-1107, ~~35-1-1207~~, and Title 35, chapter 1, part 10, do not apply to banks."

**Renumber:** subsequent sections

7. Page 11, following line 8.

**Insert:** "NEW SECTION. **Section 18. Repealer.** Section 35-1-1207, MCA, is repealed."

And, as amended, do pass. Report adopted.

**HB 207**, do pass. Report adopted.

**HB 223**, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

1/13/2005

**HB 201**, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/13/2005

**HB 114**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 150**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/13/2005

**HB 18**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "."

**Insert:** "ADDING A MEMBER FROM THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT;"

2. Page 1, line 17.

**Strike:** "10"

**Insert:** "11"

3. Page 1.

**Following:** line 20

**Insert:** "(c) one member from the governor's office of economic development;"

**Renumber:** subsequent subsection

4. Page 2, line 3.

**Strike:** "2007"

**Insert:** "2009"

5. Page 2, line 21.

**Strike:** "2007"

**Insert:** "2009"

6. Page 2, line 25.

**Strike:** "2007"

**Insert:** "2009"

And, as amended, do pass. Report adopted.

**TAXATION** (Waitschies, Chairman):

1/13/2005

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**HB 38**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AGRICULTURAL ACREAGE"

**Insert:** "LAND"

2. Title, line 7.

**Following:** "2004;"

**Insert:** "REQUIRING THAT AN APPLICATION FOR EXEMPTION CONTAIN A LEGAL DESCRIPTION OF THE PROPERTY;"

3. Page 5, line 30.

**Strike:** "for agricultural purposes"

4. Page 6, line 1.

**Following:** "2004."

**Insert:** "An application for exemption under this section must contain a legal description of the property for which the exemption is requested."

And, as amended, do pass. Report adopted.

**HB 84**, do pass. Report adopted.

**HB 115**, introduced bill, be amended as follows:

1. Title, line 11.

**Strike:** "REIMBURSED"

**Insert:** "REPAID"

2. Title, lines 12 through 14.

**Strike:** "REIMBURSEMENT" on line 12

**Insert:** "REPAYMENT"

**Strike:** "DELETING" on line 12 through "PICTURES;" on line 14

3. Title, line 15.

**Strike:** "61-3-301 " through "61-3-529,"

4. Title, line 16.

**Strike:** "REPEALING" through "MCA;"

5. Page 5, line 30.

**Following:** "buildings,"

**Insert:** "which must be identified in the application but may"

**Strike:** "to"

6. Page 6, line 3.

**Strike:** "and"

7. Page 6, line 4.

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**Following:** "acres"

**Insert:** ", which must be legally described in the application for the exemption"

8. Page 6, line 10.

**Following:** "used"

**Insert:** "exclusively"

9. Page 10, line 25.

**Strike:** "must"

**Insert:** "shall"

10. Page 10, line 27.

**Strike:** "as" through "property"

**Strike:** second "reimbursement"

**Following:** "amount"

**Insert:** "due"

11. Page 10, line 29.

**Following:** "distributed."

**Insert:** "At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice shall indicate that an exemption pursuant to this section has been granted. The notice shall describe the penalty for default under this section and shall specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department."

12. Page 15, line 20 through page 20, line 8.

**Strike:** section 7 through section 10 in their entirety

**Renumber:** subsequent sections

13. Page 20, line 16.

**Following:** ","

**Insert:** ","

**Strike:** "or"

14. Page 20, line 17.

**Following:** "61-3-520"

**Insert:** ", or 15-6-215, except as provided in 61-3-520"

15. Page 21, line 13 through line 14.

**Strike:** section 13 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

**HB 55**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 87**, do pass. Report adopted.

**HB 101**, introduced bill, be amended as follows:

1/13/2005

1. Page 2, line 6.

**Strike:** "\$2,500"

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**Insert:** "\$3,000"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/13/2005

**SB 14**, introduced by Cooney  
**SB 17**, introduced by Cooney  
**SB 36**, introduced by Esp  
**SB 37**, introduced by Schmidt  
**SB 51**, introduced by Hansen  
**SB 62**, introduced by Perry  
**SB 107**, introduced by Smith  
**SB 136**, introduced by Steinbeisser

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 284**, introduced by Hawk, referred to Judiciary.  
**HB 285**, introduced by Taylor, Cocchiarella, Tropila, Arntzen, Keenan, Morgan, Raser, Eaton, Windham, referred to Judiciary.  
**HB 286**, introduced by Stahl, Curtiss, referred to Fish, Wildlife and Parks.  
**HB 287**, introduced by Warden, Curtiss, referred to Judiciary.  
**HB 288**, introduced by Noennig, R. Brown, Himmelberger, Parker, Glaser, Lange, referred to State Administration.  
**HB 289**, introduced by Glaser, referred to Human Services.  
**HB 290**, introduced by Small-Eastman, Bixby, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 5**, introduced by Small-Eastman, Bixby, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 37** - Representative Lambert moved **HB 37** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

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Voted Absentee: Barrett, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 138** - Representative Roberts moved **HB 138** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Barrett, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 1** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Campbell, Clark, Koopman, Sinrud.  
Total 5

Excused: Barrett.  
Total 1

Absent or not voting: None.  
Total 0

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**HB 29** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Barrett.  
Total 1

Absent or not voting: None.  
Total 0

**HB 108** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Hamilton, Heinert.  
Total 2

Excused: Barrett.  
Total 1

Absent or not voting: None.  
Total 0

**HB 154** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Jopek.

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Total 1

Excused: Barrett.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Parker moved that HB 271 be re-referred from Labor and Industry Committee to House Appropriations Committee. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Rep. Dickenson requested the following sponsors be added to HB 48: Rep. Bergren, Clark, Driscoll, Lindeen, McAlpin, and Small-Eastman .

Rep. Juneau requested the following sponsors be added to HB 237: Rep. Becker, Golie, Gutsche, Jayne, and Lenhart.

Consent calendar: HB 21, HB 53, HB 85, HB 118, and HB 194. There being no questions these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, January 14, 2005. Motion carried.

House adjourned at 1:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
TENTH LEGISLATIVE DAY

Helena, Montana  
January 14, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Lenhart. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Campbell and Lambert, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read letters from Speaker Matthews informing her of his appointments of Rep. Joe McKenney, Rep. Dan Villa, and Rep. Walter McNutt to the Economic Development Advisory Council.

Chief Clerk Marilyn Miller read a letter from Rep. Buzzas, Chairman, House Appropriations Committee, appointing Rep. Rick Ripley and Rep. Ray Hawk to the Legislative Finance Committee to complete the vacated terms of former Rep. Dave Kasten and Rep. John Brueggeman.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/14/2005  
Correctly printed: **HB 55, HB 84, HB 87, HB 114, HB 150, HB 168, HB 201, HB 207, HB 223.**  
Correctly engrossed: **HB 18, HB 38, HB 101, HB 115, HB 180.**

**AGRICULTURE** (Butcher, Chairman): 1/14/2005  
**HB 86**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 195**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman): 1/14/2005  
**HB 16**, introduced bill, be amended as follows:

1. Title, page 1, line 9.  
**Following:** "UNIVERSITY"  
**Insert:** ", EXCEPT FOR COURSES DIRECTLY RELATED TO A VOCATIONAL DEGREE PROGRAM OR TO A 2- TO 4-YEAR DEGREE PROGRAM OR CERTIFICATE PROGRAM"

2. Page 1, line 18.  
**Following:** "who"  
**Insert:** ", except as provided in subsection (8),"

3. Page 1, line 24.  
**Following:** "and"  
**Insert:** ", except as provided in subsection (8),"

4. Page 2, line 5.  
**Following:** "enrolled"  
**Insert:** ", except as provided in subsection (8),"

5. Page 2, line 19.  
**Following:** line 18  
**Insert:** "(8) The limit of financial assistance to nonbeneficiary students enrolled in courses for which credit is transferable to another Montana college or university does not apply to a nonbeneficiary student enrolled in a course directly related to a vocational degree program or to a 2- to 4-year degree program or certificate program."



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And, as amended, do pass. Report adopted.

**HB 20**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Strike:** "be" through "21"

**Insert:** "yet have reached 22"

2. Page 1, line 20 through line 21.

**Strike:** "by" on line 20 through "in" on line 21

**Insert:** "pursuant to"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

1/14/2005

**HB 50**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Following:** "additions"

**Strike:** "or deletions"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 81**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 82**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 131**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

1/14/2005

**HB 68**, introduced bill, be amended as follows:

1. Page 2, line 2.

**Following:** "medicine"

**Insert:** "or a prescription drug"

2. Page 2, line 3.

**Strike:** "in the state prison"

**Strike:** "10 years"

**Insert:** "6 months"

**Strike:** "\$50,000"

**Insert:** "\$1,000"

3. Page 2.

**Following:** line 4

**Insert:** "(b) A person convicted of unlawfully administering medicine or a prescription drug without authorization resulting in bodily injury to a child shall be imprisoned for a term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both."

**Renumber:** subsequent subsection

4. Page 2, line 5.

**Following:** "medicine"

**Insert:** "or a prescription drug"

**Following:** "serious"

**Insert:** "bodily"

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5. Page 2, line 6.

**Strike:** "in the state prison"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/14/2005

**HB 17**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 107**, introduced bill, be amended as follows:

1. Page 4, line 3.

**Strike:** "and"

2. Page 4, line 5.

**Following:** "project"

**Insert:** "; (d) the Montana centennial square; and  
(e) the monument of the ten commandments"

And, as amended, do pass. Report adopted.

**HB 128**, do pass. Report adopted.

**HB 139**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**TAXATION** (Waitschies, Chairman):

1/14/2005

**HB 54**, do pass. Report adopted.

**HB 193**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/14/2005

**SB 6**, introduced by Esp  
**SB 26**, introduced by Story  
**SB 30**, introduced by Laslovich  
**SB 33**, introduced by Cobb  
**SB 53**, introduced by Squires  
**SB 58**, introduced by Barkus  
**SB 61**, introduced by Cocchiarella  
**SB 92**, introduced by Toole  
**SB 93**, introduced by Cobb  
**SB 99**, introduced by Mangan  
**SB 100**, introduced by Mangan  
**SB 135**, introduced by Squires  
**SB 138**, introduced by Weinberg

**Senate joint resolutions** passed and transmitted to the House for concurrence:

1/14/2005

**SJR 3**, introduced by Mangan  
**SJR 6**, introduced by Wheat  
**SJR 7**, introduced by Weinberg

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 291**, introduced by Small-Eastman, Bixby, referred to State Administration.  
**HB 292**, introduced by Small-Eastman, Bixby, Raser, referred to Select Committee on Education Funding.  
**HB 293**, introduced by Jopek, referred to Natural Resources.  
**HB 294**, introduced by Facey, Keenan, referred to Human Services.  
**HB 295**, introduced by Galvin-Halcro, referred to Business and Labor.  
**HB 296**, introduced by Jopek, referred to Taxation.  
**HB 297**, introduced by Wiseman, Groesbeck, Hawks, Jent, Jopek, Toole, Williams, Koopman, referred to State Administration.  
**HB 298**, introduced by Clark, referred to Fish, Wildlife and Parks.  
**HB 299**, introduced by Wells, referred to Appropriations.  
**HB 300**, introduced by Gallik, Harris, Jent, referred to Business and Labor.  
**HB 301**, introduced by Galvin-Halcro, Callahan, Franklin, Gutsche, Lindeen, A. Olson, Tropila, Moss, referred to Taxation.  
**HB 302**, introduced by Driscoll, referred to Education.  
**HB 303**, introduced by Gutsche, referred to Natural Resources.  
**HB 304**, introduced by Rice, referred to Judiciary.  
**HB 305**, introduced by Arntzen, referred to Fish, Wildlife and Parks.  
**HB 306**, introduced by Gallik, Clark, Dickenson, Galvin-Halcro, Harris, Facey, Franklin, Hamilton, Jayne, Jent, Eaton, Golie, Grinde, Gutsche, Henry, Sesso, Cohenour, Juneau, Small-Eastman, Windham, Wilson, Bergren, Branae, Driscoll, Furey, Jopek, Parker, Wanzenried, Windy Boy, Hiner, Noonan, Villa, Lenhart, Wiseman, referred to Business and Labor.  
**HB 307**, introduced by Parker, Wanzenried, Wheat, Sales, Clark, Harris, Bergren, Noonan, Stoker, Windham, Malcolm, Windy Boy, Lindeen, Gallus, Everett, Jackson, Sonju, Eaton, Grimes, Matthews, Dowell, Buzzas, Gallik, Furey, Wilson, Lange, Franklin, Ellingson, Schmidt, Jopek, Brueggeman, Tropila, Roush, McGee, Driscoll, Becker, Laslovich, Wheat, Milburn, Hansen, referred to Judiciary.  
**HB 308**, introduced by Malcolm, Clark, John Balyeat, Everett, Gutsche, Noonan, Harris, Sinrud, referred to Fish, Wildlife and Parks.  
**HB 309**, introduced by Glaser, referred to Select Committee on Education Funding.  
**HB 310**, introduced by Glaser, referred to Select Committee on Education Funding.

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**HB 311**, introduced by Glaser, referred to Select Committee on Education Funding.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 6**, introduced by Windy Boy, Kitzenberg, Steinbeisser, Hansen, Smith, Waitschies, Stahl, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mendenhall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 67** - Representative Jent moved **HB 67** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 70

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Groesbeck, Himmelberger, Keane, Koopman, Lake, Lange, Maedje, McGillvray, McKenney, Morgan, Noonan, Rice, Sales, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Wells.  
Total 30

Voted Absentee: Campbell, Lambert, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 84** - Representative Kaufmann moved **HB 84** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Campbell, Lambert, Ayes.

Excused: None.

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Total 0

Absent or not voting: Noennig.

Total 1

**HB 87** - Representative Ward moved **HB 87** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Harris, Maedje.

Total 2

Voted Absentee: Campbell, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: Kaufmann.

Total 1

**HB 168** - Representative Becker moved **HB 168** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Campbell, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 207** - Representative McKenney moved **HB 207** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm,

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Total 100

Noes: None.

Total 0

Voted Absentee: Campbell, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 223** - Representative Jent moved **HB 223** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: R. Brown.

Total 1

Voted Absentee: Campbell, Lambert, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Dowell, Golie, Lindeen.

Total 3

Excused: Campbell, Lambert.

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Total 2

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 37** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Campbell, Lambert.

Total 2

Absent or not voting: Ward.

Total 1

**HB 138** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Campbell, Lambert.

Total 2

Absent or not voting: Peterson.

Total 1

**HB 21** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

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Total 98

Noes: None.  
Total 0

Excused: Campbell, Lambert.  
Total 2

Absent or not voting: None.  
Total 0

**HB 53** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Campbell, Lambert.  
Total 2

Absent or not voting: None.  
Total 0

**HB 85** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Campbell, Lambert.  
Total 2

Absent or not voting: None.  
Total 0

**HB 118** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,



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Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Campbell, Lambert.  
Total 2

Absent or not voting: None.  
Total 0

**HB 194** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Campbell, Lambert.  
Total 2

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 55, 114, 150. There being no questions these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Speaker Matthews thanked the pages.

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, January 15, 2005. Motion carried.

House adjourned at 1:58 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
ELEVENTH LEGISLATIVE DAY

Helena, Montana  
January 15, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Bixby. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, Jopek, Keane, Kauffman, Juneau, Caffero, Rice, Mendenhall, Franklin, Harris, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/15/2005  
Correctly printed: **HB 17, HB 54, HB 81, HB 82, HB 86, HB 128, HB 131, HB 139, HB 193, HB 195.**  
Correctly engrossed: **HB 16, HB 20, HB 50, HB 68, HB 107.**

**JUDICIARY** (Rice, Chairman): 1/15/2005  
**HB 33**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.  
**Following:** "REQUESTED BY" on line 4  
**Strike:** "A" on line 4 through "DEFENDANT CITED" on line 5  
**Insert:** "EITHER PARTY TO A TRIAL"

2. Page 1, line 16.  
**Strike:** "the defendant"  
**Insert:** "either party"

And, as amended, do pass. Report adopted.

**HB 90**, do pass. Report adopted.  
**HB 190**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence: 1/15/2005

**SB 1**, introduced by Schmidt  
**SB 9**, introduced by Cromley  
**SB 20**, introduced by Roush  
**SB 32**, introduced by Cromley  
**SB 47**, introduced by Laible  
**SB 64**, introduced by Brueggeman  
**SB 74**, introduced by Story  
**SB 75**, introduced by Harrington  
**SB 77**, introduced by Hansen  
**SB 79**, introduced by Tropila  
**SB 102**, introduced by Cromley

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

**HB 312**, introduced by Golie, Furey, Galvin-Halcro, Tropila, Jopek, Raser, Lindeen, Henry, Windham, Clark,

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Noonan, Harris, Franklin, Sesso, Parker, Driscoll, Hiner, Eaton, Gutsche, Toole, Wanzenried, Musgrove, Callahan, Jacobson, Dickenson, Bergren, Becker, Jent, Hawk, Groesbeck, Jayne, Lind, Larson, Kaufmann, referred to Fish, Wildlife and Parks.

**HB 313**, introduced by Sesso, Golie, Bergren, Wanzenried, McAlpin, Hiner, Noonan, Jopek, Parker, Driscoll, Groesbeck, Keane, Villa, referred to Judiciary.

**HB 314**, introduced by Butcher, referred to Select Committee on Education Funding.

**HB 315**, introduced by Facey, referred to Business and Labor.

**HB 316**, introduced by Callahan, referred to Business and Labor.

**HB 317**, introduced by Hamilton, Wiseman, Hendrick, B. Olson, Ward, Windy Boy, Gallik, Facey, referred to Education.

**HB 318**, introduced by McKenney, referred to Business and Labor.

**HB 319**, introduced by MacLaren, referred to Taxation.

**HB 320**, introduced by Facey, referred to Taxation.

**HB 321**, introduced by Facey, referred to Local Government.

**HB 322**, introduced by Koopman, Campbell, Roberts, Hamilton, Raser, Wells, Warden, Curtiss, Wiseman, Clark, Noonan, Maedje, Lange, McGillvray, Ripley, Ward, Everett, Hendrick, Groesbeck, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gutsche in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 115** - Representative McNutt moved **HB 115** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Jayne, Koopman, Malcolm, McGillvray, Sales, Sinrud, Sonju, Wells.

Total 8

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Jacobson.

Total 1

**HB 38** - Representative McNutt moved **HB 38** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm,

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McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Ward.  
Total 1

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 101** - Representative Villa moved **HB 101** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Wells.  
Total 1

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 180** - Representative Lake moved **HB 180** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gutsche moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 67** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, W. Jones, Koopman, McGillvray, McKenney, McNutt, Morgan, Noonan, Sesso, Sinrud, Sonju, Stahl, Warden, Wells.  
Total 21

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

**HB 84** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher,

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Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

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**HB 87** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Maedje, Stahl.

Total 2

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

Total 10

Absent or not voting: None.

Total 0

**HB 168** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

Total 10

Absent or not voting: None.

Total 0

**HB 207** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

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Total 10

Absent or not voting: None.

Total 0

**HB 223** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: R. Brown, Butcher, Maedje, Noennig.

Total 4

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

Total 10

Absent or not voting: Balyeat.

Total 1

**HB 27** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

Total 10

Absent or not voting: None.

Total 0

**MOTIONS**

Rep. Parker moved HB 31 be re-referred from State Administration Committee to Human Services Committee. Motion carried.

Rep. Parker moved HB 13 be re-referred from State Administration Committee to House Appropriations Committee. Motion carried.

Rep. Parker moved HB 301 be re-referred from Taxation Committee to Transportation Committee.

**SPECIAL ORDER OF THE DAY**



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Consent Calendar: HB 17, HB 81, HB 50, HB 82, HB 86, HB 139, HB 195. There being no questions these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, January 17, 2005. Motion carried.

House adjourned at 8:35 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
TWELFTH LEGISLATIVE DAY

Helena, Montana  
January 17, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Penny Morgan. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Keane, Jones, and Villa, excused. Quorum present.

Speaker Matthews introduced the following pages for the House:

Jason Ames, Helena; Aidan Dowling, Billings; Lacey Ehlke, Townsend; Sara Goffena, Roundup; Ashley Haley, Box Elder; Katelyn Miller, Billings; and Jennifer Turk, Joliet.

The School for the Deaf and Blind music students "Expressions of Silence" performed two pieces for the House of Representatives.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/17/2005  
Correctly printed: **HB 90, HB 190**.  
Correctly engrossed: **HB 33**.

**HUMAN SERVICES** (Becker, Chairman): 1/17/2005  
**HB 32**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 88**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 215**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HJR 1**, introduced joint resolution, be amended as follows:

1. Page 2, line 19.

**Following:** line 18

**Insert:** "(6) That all agencies involved in prevention programs implement and continue collaborative efforts with Indian tribes."

And, as amended, be adopted. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman): 1/18/2005  
**HB 147**, introduced bill, be amended as follows:

1. Page 3, line 11.

**Following:** "riprap."

**Insert:** "mineral"

**Following:** "other"

**Strike:** "products"

**Insert:** "minerals"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate **bills** passed and transmitted to the House for concurrence: 1/17/2005

**SB 70**, introduced by Cocchiarella

**SB 84**, introduced by Squires

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**SB 122**, introduced by Wheat

**SB 139**, introduced by Esp

**SB 160**, introduced by Wheat

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 323**, introduced by Cohenour, referred to Transportation.

**HB 324**, introduced by Driscoll, Gutsche, Parker, Wanzenried, Eaton, Sesso, Bergren, referred to Judiciary.

**HB 325**, introduced by Morgan, referred to State Administration.

**HB 326**, introduced by Peterson, Clark, referred to Judiciary.

**HB 327**, introduced by Groesbeck, Bergren, Jopek, Driscoll, Jent, Sesso, McAlpin, Musgrove, Henry, Hiner, Noonan, Keane, Galvin-Halcro, Golie, Wilson, Small-Eastman, McNutt, Dowell, Jayne, Harris, Eaton, Dickenson, Hamilton, Facey, Branae, Windy Boy, Bixby, Kauffman, Klock, Villa, Wiseman, Jacobson, referred to Human Services.

**HB 328**, introduced by Wagman, referred to Business and Labor.

**HB 329**, introduced by Stahl, referred to State Administration.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 38** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Koopman, Ward.

Total 2

Excused: L. Jones, Keane, Villa.

Total 3

Absent or not voting: Bixby, Juneau, Windy Boy.

Total 3

**HB 101** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Maedje, Wells.

Total 2

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Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: Bixby, Juneau, Windy Boy.  
Total 3

**HB 115** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Malcolm, McGillvray, Sinrud, Wells.  
Total 4

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: Windy Boy.  
Total 1

**HB 180** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: Windy Boy.  
Total 1

**HB 55** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 92

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Noes: D. Brown, Koopman, A. Olson, Waitschies.  
Total 4

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: Windy Boy.  
Total 1

**HB 114** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: Windy Boy.  
Total 1

**HB 150** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, Lake, Maedje, Sinrud, Taylor.  
Total 5

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: Windy Boy.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Morgan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 54** - Representative Small-Eastman moved **HB 54** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 86

Noes: Butcher, Everett, Hawk, Heinert, W. Jones, Lange, Maedje, Mendenhall, Roberts, Sales, Sinrud, Stahl, Wagman, Witt.  
Total 14

Voted Absentee: L. Jones, Keane, Villa, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 128** - Representative Jent moved **HB 128**, second reading copy, do pass and be amended as follows:

1. Title, page 1, line 7.

**Strike:** "FACILITY"

**Insert:** "INSTITUTION"

2. Page 1, line 25.

**Strike:** "facility"

**Insert:** "institution as defined in 45-2-101"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: None.  
Total 0

**HB 128** - Representative Jent moved **HB 128**, as amended, do pass. Motion carried as follows:

**STATE INTERNET/BBS COPY**

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: L. Jones, Keane, Villa, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 131** - Representative Clark moved **HB 131** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, D. Brown, Butcher, Hawk, W. Jones, Lambert, Lange, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Witt.  
Total 27

Voted Absentee: L. Jones, Keane, Villa, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 193** - Representative Waitschies moved **HB 193** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

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Noes: Harris, Jayne.  
Total 2

Voted Absentee: L. Jones, Keane, Villa, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Morgan moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: L. Jones, Keane, Villa.  
Total 3

Absent or not voting: A. Olson, Waitschies.  
Total 2

**MOTIONS**

Rep. Parker moved that HB 201 be re-referred from Natural Resources Committee to the House Appropriations Committee. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 17, HB 50, HB 81, HB 82, HB 86, HB139, HB 195. There being no questions, these bills will proceed to 3rd Reading.



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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Tuesday, January 18, 2005. Motion carried.

House adjourned at 2:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTEENTH LEGISLATIVE DAY

Helena, Montana  
January 18, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Windy Boy. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Galvin-Halcro, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/18/2005  
Correctly printed: **HB 32, HB 88, HB 215.**  
Correctly engrossed: **HB 128, HB 147, HJR 1**

**BUSINESS AND LABOR** (Keane, Chairman): 1/18/2005  
**HB 159**, do pass. Report adopted.  
**HB 161**, introduced bill, be amended as follows:

1. Page 10, line 30.  
**Strike:** "compensation"  
**Insert:** "benefits"

2. Page 11, line 10.  
**Following:** "deposits"  
**Strike:** "into cash and"  
**Following:** "to pay"  
**Strike:** "the" through "upon"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 1/18/2005  
**HB 43**, introduced bill, be amended as follows:

1. Title, line 4.  
**Following:** "REQUIRING"  
**Insert:** "OIL AND"

2. Title, line 5 through line 6.  
**Strike:** "INCREASING" on line 5 through "REPORTING;" on line 6

3. Page 1, line 23.  
**Strike:** "and"

4. Page 1, line 24.  
**Following:** "value"  
**Insert:** "; and  
(k) contact information for obtaining additional information regarding the payment and answers to questions"

5. Page 1, line 25.  
**Following:** "(1),"

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**Strike:** "a"  
**Insert:** "an oil and"

6. Page 1, line 26 through page 2, line 4.  
**Following:** "royalty owner" on line 26  
**Strike:** "s" on page 1, line 26 through "circumstance" on page 2, line 4

7. Page 2, line 6.  
**Strike:** "\$10,000 or less than"

And, as amended, do pass. Report adopted.

**HB 212**, introduced bill, be amended as follows:

1. Page 3, line 18.  
**Following:** "projects;"  
**Insert:** "and"

2. Page 3, line 19.  
**Following:** "scope"  
**Strike:** "s"  
**Insert:** "."

3. Page 3, line 20 through line 23.  
**Strike:** subsections (g) and (h) in their entirety  
**Insert:** "(3) The local government unit shall negotiate a contract with the most qualified provider at a price that the local government unit determines fair and reasonable, taking into account the scope of the services rendered. If the local government unit is unable to negotiate a satisfactory contract with the most qualified provider, negotiations with that firm must be formally terminated and the local government unit shall select the next most qualified provider until an agreement is reached or the process is terminated."

4. Page 4, line 14.  
**Following:** "shall"  
**Insert:** "pay the cost of the investment grade energy audit and"

5. Page 4, line 21.  
**Following:** "include"  
**Insert:** "the option of"

6. Page 4, line 22.  
**Following:** "(4)"  
**Insert:** "through project financing"

7. Page 4, line 25.  
**Following:** "be"  
**Insert:** "a minimum of 3 years and may be up to"

8. Page 8, line 7.

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**Following:** "part 21,"  
**Strike:** "and"  
**Following:** "part 41,"  
**Insert:** "and Title 18, chapter 8, part 2,"

9. Page 8, line 8.  
**Following:** "part 21,"  
**Strike:** "and"  
**Following:** "part 41,"  
**Insert:** "and Title 18, chapter 8, part 2,"

And, as amended, do pass. Report adopted.

**HJR 3**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman): 1/18/2005  
**HB 45**, do pass. Report adopted.  
**HB 198**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 1/18/2005

**SB 35**, introduced by Esp  
**SB 40**, introduced by McGee  
**SB 50**, introduced by McGee  
**SB 83**, introduced by Roush  
**SB 96**, introduced by Gebhardt  
**SB 98**, introduced by Tropila  
**SB 117**, introduced by Cocchiarella

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 330**, introduced by Jopek, referred to Local Government.  
**HB 331**, introduced by Wanzenried, Tester, Gillan, R. Brown, Roberts, referred to Business and Labor.  
**HB 332**, introduced by Buzzas, referred to Human Services.  
**HB 333**, introduced by Musgrove, referred to Judiciary.  
**HB 334**, introduced by Small-Eastman, referred to Business and Labor.  
**HB 335**, introduced by Small-Eastman, referred to State Administration.  
**HB 336**, introduced by Lange, referred to Education.  
**HB 337**, introduced by Jent, referred to Fish, Wildlife and Parks.  
**HB 338**, introduced by Jent, referred to State Administration.  
**HB 339**, introduced by Facey, Sesso, Bergren, Keane, referred to Business and Labor.  
**HB 340**, introduced by Wiseman, referred to Human Services.  
**HB 341**, introduced by Heinert, Curtiss, Maedje, referred to Fish, Wildlife and Parks.  
**HB 342**, introduced by Wanzenried, referred to Local Government.  
**HB 343**, introduced by Gallik, referred to Business and Labor.  
**HB 344**, introduced by Gallik, referred to Business and Labor.  
**HB 345**, introduced by Gallik, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 7**, introduced by Small-Eastman, referred to Agriculture.

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**MOTIONS**

Rep. Lange moved the House recess for a Republican caucus. Motion carried.

House reconvened at 1:35 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noennig in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 16** - Representative Ripley moved **HB 16** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Jackson, Sales, Sinrud, Wagman.  
Total 5

Voted Absentee: Galvin-Halcro, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 20** - Representative Dickenson moved **HB 20** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Galvin-Halcro, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: None.

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Total 0

**HB 68** - Representative Anderson moved **HB 68** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, W. Jones, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Balyeat, Campbell, Clark, Dowell, Gallik, Groesbeck, Hamilton, Hawk, Heinert, Jacobson, Jayne, Jent, L. Jones, Jopek, Keane, Koopman, Mendenhall, Milburn, B. Olson, Sales, Wells, Windy Boy.

Total 22

Voted Absentee: Galvin-Halcro, Aye.

Excused: Wilson.

Total 1

Absent or not voting: Furey.

Total 1

**HB 90** - Representative Kaufmann moved **HB 90** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 83

Noes: Barrett, R. Brown, Butcher, Everett, Hawk, Jackson, Koopman, MacLaren, McGillvray, Mendenhall, Milburn, Rice, Sales, Wells, Witt.

Total 15

Voted Absentee: Galvin-Halcro, Aye.

Excused: Wilson.

Total 1

Absent or not voting: Furey.

Total 1

**HB 107** - Representative Jent moved **HB 107** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

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Noes: Harris, Jayne, Kaufmann, Wanzenried.  
Total 4

Voted Absentee: Galvin-Halcro, Aye.

Excused: Wilson.  
Total 1

Absent or not voting: None.  
Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noennig moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Wanzenried.  
Total 1

Excused: Galvin-Halcro, Wilson.  
Total 2

Absent or not voting: Noonan.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 54** passed as follows:

sen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Butcher, Everett, Hawk, Heinert, W. Jones, Lange, Sales, Sinrud, Stahl, Wagman.  
Total 10

Excused: Galvin-Halcro, Wilson.  
Total 2

Absent or not voting: Furey, Hamilton.  
Total 2

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**HB 131** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sales, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Balyeat, Barrett, D. Brown, Butcher, Hawk, Hendrick, Maedje, McGillvray, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Wagman, Waitschies, Ward, Witt.

Total 22

Excused: Galvin-Halcro, Wilson.

Total 2

Absent or not voting: Furey.

Total 1

**HB 193** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Galvin-Halcro, Wilson.

Total 2

Absent or not voting: Furey.

Total 1

**HB 50** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Jayne.

Total 1

Excused: Galvin-Halcro, Wilson.

Total 2



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Absent or not voting: Furey.  
Total 1

**HB 81** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Galvin-Halcro, Wilson.  
Total 2

Absent or not voting: Furey.  
Total 1

**HB 82** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Galvin-Halcro, Wilson.  
Total 2

Absent or not voting: Furey.  
Total 1

**HB 139** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

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Excused: Galvin-Halcro, Wilson.  
Total 2

Absent or not voting: Furey.  
Total 1

**HB 195** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Sinrud.  
Total 1

Excused: Galvin-Halcro, Wilson.  
Total 2

Absent or not voting: Furey.  
Total 1

**MOTIONS**

Rep. Parker moved that HB 16 be re-referred from Education Committee to the House Appropriations Committee. Motion passed.

Rep. Parker moved that HB 204 be re-referred from Business & Labor Committee to House Appropriations Committee. Motion passed.

Rep. Parker moved that HB 268 be re-referred from State Administration Committee to House Appropriations Committee. Rep. Jent made a motion to object to HB 268 being moved to the House Appropriations Committee. After a brief explanation by Dem. Leader Roy Brown of the reason for the move, Rep. Jent withdrew his objection. Motion passed.

**SPECIAL ORDERS OF THE DAY**

Rep. Lindeen requested the following sponsors be added to HB 249: Sen. Cocchiarella, Gallus, Gillan, Hansen, Larson, Mangan, Roush, Ryan, Schmidt, Smith, Tester, Tropila, Weinberg, Wheat, and Williams.

Consent Calendar: HB 190. There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Wednesday, January 19, 2005. Motion carried.

House adjourned at 2:48 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 19, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FOURTEENTH LEGISLATIVE DAY

Helena, Montana  
January 19, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Arntzen. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/19/2005  
Correctly printed: **HB 45, HB 198, HJR 3, HJR 159.**  
Correctly engrossed: **HB 43, HB 161, HB 212.**

**AGRICULTURE** (Butcher, Chairman): 1/19/2005  
**HJR 5**, be adopted. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman): 1/19/2005  
**HB 89**, do pass. Report adopted.  
**HB 126**, do pass. Report adopted.  
**HB 160**, do pass. Report adopted.  
**HB 175**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman): 1/19/2005  
**HB 56**, do pass. Report adopted.  
**HB 109**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 119**, do pass. Report adopted.  
**HB 174**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 9.  
**Strike:** "PROVIDING FOR SITE" on line 6 through "PARKS;" on line 9

2. Page 1, line 17.  
**Strike:** "(6)"  
**Insert:** "(4)"

3. Page 1, line 19.  
**Strike:** "(6)"  
**Insert:** "(4)"

4. Page 1, line 27.  
**Strike:** "87-2-603"  
**Insert:** "87-4-603"

5. Page 1, line 28 through page 2, line 5.  
**Strike:** subsections (4) and (5) in their entirety  
**Renumber:** subsequent subsections

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6. Page 2, line 9.

**Strike:** "(7)(b)"

**Insert:** "(5)(b)"

7. Page 2, line 15 through line 19.

**Strike:** "(d)" on line 15 through "allowed." on line 19

And, as amended, do pass. Report adopted.

**HB 225**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Strike:** "(1)"

2. Page 1, line 20 through line 23.

**Following:** "regulations"

**Strike:** remainder of line 20 through "safety" on line 23

3. Page 1, line 24 through line 25.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

1/19/2005

**HB 103**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 142**, do pass. Report adopted.

**HB 226**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

1/19/2005

**HB 77**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 75-10-1203 AND"

2. Page 1, line 10.

**Insert:** "**Section 1.** Section 75-10-1203, MCA, is amended to read:

**"75-10-1203. Special revenue account.** There is an account in the state special revenue fund. Money in the account must be used to fund administration and enforcement of this part. The department shall use \$50 of each license fee collected under 75-10-1212 to provide training and education for those licensed under this part."

**Renumber:** subsequent sections

3. Page 1, line 29.

**Strike:** "\$250"

**Insert:** "\$300"

And, as amended, do pass. Report adopted.

**HB 144**, introduced bill, be amended as follows:

1. Page 3, line 2.

**Following:** "oil,"

**Insert:** "used oil filters,"

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And, as amended, do pass. Report adopted.

**HB 178**, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/19/2005

**HB 112**, do pass. Report adopted.

**HB 135**, do pass. Report adopted.

**HB 167**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Following:** "all"

**Insert:** "new"

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 346**, introduced by Golie, Galvin-Halcro, Clark, Jopek, Jayne, Callahan, Campbell, Dowell, Windham, Small-Eastman, Bergren, Jacobson, Linden, Wanzenried, Noonan, Sesso, Parker, Wiseman, Cohenour, Lenhart, Buzzas, Gutsche, Groesbeck, Branae, Driscoll, Franklin, Grinde, Juneau, Furey, Hiner, Becker, referred to State Administration.

**HB 347**, introduced by Gutsche, Hamilton, Harris, Branae, referred to Local Government.

**HB 348**, introduced by Buzzas, Harris, Dickenson, A. Olson, Hamilton, Hiner, Gallik, referred to Business and Labor.

**HB 349**, introduced by A. Olson, Parker, Klock, Gebhardt, Mangan, Maedje, referred to Judiciary.

**HB 350**, introduced by Butcher, Barrett, Witt, Brueggeman, Black, Roberts, Klock, Jones, Malcolm, Waitschies, Stahl, Stoker, Lambert, Ross, Mendenhall, Peterson, referred to Agriculture.

**HB 351**, introduced by Butcher, Tester, Jones, Barrett, Malcolm, Stahl, Mendenhall, Waitschies, Ross, Stoker, Lambert, Brueggeman, Witt, Black, Klock, Peterson, Ward, Roberts, referred to Agriculture.

**HB 352**, introduced by Andersen, referred to Agriculture.

**HB 353**, introduced by Wanzenried, referred to Natural Resources.

**HB 354**, introduced by Noennig, Everett, McNutt, referred to Business and Labor.

**HB 355**, introduced by Jopek, referred to Taxation.

**HB 356**, introduced by Noonan, referred to Judiciary.

**HB 357**, introduced by Noonan, Villa, Jacobson, referred to Business and Labor.

**HB 358**, introduced by Juneau, referred to Human Services.

**HB 359**, introduced by Gutsche, Clark, Roberts, Jacobson, referred to Agriculture.

**HB 360**, introduced by Jackson, referred to Natural Resources.

**HB 361**, introduced by Gallik, referred to Natural Resources.

**HB 362**, introduced by Campbell, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 17** - Representative Buzzas moved **HB 17** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley,

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Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Butcher, Maedje, Sinrud, Stahl.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 45** - Representative A. Olson moved **HB 45** do pass.

**HB 45** - Representative Caferro moved **HB 45**, second reading copy, be amended as follows:

1. Page 2, line 11.  
**Strike:** "relative"  
**Insert:** "person"

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 45** - Representative A. Olson moved **HB 45**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 43

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 86** - Representative Kaufmann moved **HB 86** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ross, Sales, Sesso, Small-Eastman, Sonju, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 76

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, W. Jones, Klock, Lambert, Maedje, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Roberts, Sinrud, Stahl, Stoker, Taylor, Wagman, Witt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 159** - Representative McKenney moved **HB 159** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Jayne, Koopman, Sales, Sinrud, Sonju, Wells.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 147** - Representative Clark moved **HB 147** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

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Noes: R. Brown, Himmelberger, MacLaren, McGillvray, Rice, Sinrud, Wagman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 1** - Representative Franklin moved **HJR 1** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Wilson.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 20** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 68** passed as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: Campbell, Clark, Gallik, Hawk, Heinert, Jacobson, Jayne, Jopek, Keane, Koopman, Mendenhall, Milburn, B. Olson, Sales, Stahl, Wells, Witt.  
Total 17

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 90** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Barrett, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Koopman, Lake, Lambert, MacLaren, Mendenhall, Milburn, Rice, Ripley, Sales, Wells.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 107** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Harris, Jayne, Jopek.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 128** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 190** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Waitschies.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Rep. Raser moved to have her vote for HB 45 and the amendment for HB 45 be recorded as aye. Motion carried.

**UNFINISHED BUSINESS**

Rep. Golie requested the following sponsor be added to HB 14: Sen. Joe Balyeat.

**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 32, 88. There being no questions these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Rep. Parker moved that the House stand in recess until 6:40 p.m.

House recessed at 1:58 p.m.

House reconvened at 6:40 p.m. Mr. Speaker in the chair. All members present. Quorum present.

Dem. Floor Leader Parker moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving the State of the State Address from Governor Brian Schweitzer. And further that, following the Governor's address, the House reconvene at 1:00 p.m., January 20, 2005. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sgt.-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from the Governor of the State of Montana, the Honorable Brian Schweitzer. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify Governor Schweitzer that we are in joint session and ready to receive his address. Motion carried.

President Tester appointed Senator Weinberg, Senator Kitzenberg, Representative Bixby, and Representative Mendenhall to escort the Governor to the Chamber.

The committee escorted Governor Schweitzer into the chambers.

The colors were posted by members of the Montana National Guard. Students from the Canyon Creek School led the Pledge of Allegiance. Invocation was given by Bishop Thomas of Helena.

Senate President Tester introduced Governor Schweitzer to the joint session, and the Governor gave the following speech:

"Mr. President, Mr. Speaker, My Fellow Montanans. Thank you and good evening. It is indeed my honor to be before you this evening. It is my great honor to stand before you this evening as the Governor of the great State of Montana. President Tester, Speaker Matthews, thank you for inviting me in to address the great 59<sup>th</sup> legislative assembly of the great State of Montana.

First, I would like to thank my closest confidant, my best friend, my partner, mother of my children, the one who has kept the home fires burning during the last 2 years when I've been on the road, the one who's taken care of the ranch, and the one who, on Sunday will have been married to me for 23 years. Thank you, Nancy, for standing beside me.

Here this evening is a very special person. Betty Bollinger has spent 30 of the last 50 days in a hospital in Billings. She's been fighting leukemia. I told Betty from the very beginning, "I'm betting on you." And tonight, my good friend, your friend, Betty Bollinger is here. She's back. Betty is back!

On my second day on the job as the Governor of Montana, I rode on a National Guard helicopter to Troy, where I was faced with the challenge of finding the words of comfort for a mother, a father and a brother of a fallen Montana Marine. Tonight I would like to honor all of the Montanans who are on active service around the world. And our prayers need to be with our young people, in particular in Iraq. Tonight we have Command Sergeant Major Ronda Scott with 29 years experience. She served in Iraqi Freedom, and now she is home, but tonight her son, Brian Tetrault, is serving in Iraq. I would like to have everyone remember, not just Brian, but all of the Montanans, indeed all of the Americans that are serving in Iraq this evening, tomorrow, this month and next month.

I would like to quote Teddy Roosevelt, who I believe was one of the greatest Presidents in the history of this country. He said "A man who is good enough to shed blood for his country is good enough to be given a square deal afterwards." I agree with Teddy in that one, and that's why I say to you tonight that the federal government is offering a \$10,000 death benefit to the families of our fallen heroes. Ten thousand dollars. Tonight Senator Gallus

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and Representative Noonan are here. They have proposed a piece of legislation that would have those of us in Montana pay the premiums of a death benefit for all our active soldiers. This death benefit would be for not \$10,000 but for \$250,000 per fallen soldier. We will not forget their families' sacrifice. Thank you very much, Senator. But we will do more. Those that are returning from active service will be offered scholarships to our two-year institutions, to our colleges of technologies, our community colleges, our tribal colleges, so that as they return, they can get the life skills to be successful for the rest of their lives in Montana. We owe these soldiers!

Nearly a year ago, I sat in the living room with John and Bette Bohlinger. The proposition was simple: Is Montana prepared for a Republican and a Democrat to work together in the Governor's office? Is Montana prepared to embrace the notion that Republicans and Democrats can work together starting in the Governor's office? John, Bette, the answer is here tonight and the answer is yes, they are ready.

Senator Cobb, Senator Kitzenberg, you have proposed that Montana ought to have a Montana poet. In honor of that idea, I will recite a poem. Anonymous, I don't know who the author is, and I think it applies. "Somebody said that it couldn't be done, but he with a chuckle replied, that, maybe it couldn't but he would be one that would not say so 'til he tried. So he buckled right in with a bit of a grin on his face. If he worried, he hid it as he tackled the thing that couldn't be done, and he did it."

We have always been dreamers in Montana. The first fur traders, the miners who came here hoping to strike it rich, the cattlemen who brought the herds from Texas, and yes, the Homesteaders, including my grandparents who left behind almost nothing, and arrived in Montana with nothing but the clothes on their back, high hopes, faith in God and dreaming of the future. We are a state of dreamers. We are a state that can make those dreams come true.

I would ask all of the legislators, Democrat and Republican, all of the people who serve in the executive branch, let us never forget who we work for. We work for the families back home. We do not work for the lobbyists that prowls the halls of the capital building. Do not forget who we work for. We work for the families back home. That's why we believe that the legislature needs to take a hard look at our ethics bill. We have to make sure that the people back home know that when you come here to do the work for them you will be working for their interests, not the interest of the special interests in Helena, who may employ you after you leave service in the executive branch or in the legislative branch. Never forget who you work for.

I've been in all 56 counties in the last year listening to the people of Montana. The families of Montana have told us what their priorities are. They have said to us, "We need to strengthen that fabric of the Montana family, and the most important thing we need to do to strengthen that fabric is to create jobs, high paying jobs, jobs so that young people can stay in Montana and raise the next generation." We need to work our level best in this legislative session to help grow Montana's economy, so that grandchildren can stay in Montana, grandchildren can visit their grandmother and grandfather by driving across town, not flying across the country. It's important. Those same families have told us that we need to build the skills in our young people so they are prepared for the jobs of tomorrow. They have told us we need access to affordable healthcare. They have told us that we need to help build that family strength across Montana with that quality of life of safe communities. Most importantly they have told us that, "We want you to do the work for us while you're in Helena."

Most important from the beginning, is for the people of Montana and the people of this great country, across the country, to know that Montana is open for business. We can grow Montana's economy, we can invest in our education, we can invest in healthcare. We can push Montana forward and we can do it without raising taxes. In fact, we are proposing to eliminate a class of taxes, the business equipment tax on 13,300 small businesses for a total of twenty-five million dollars over the next 10 years. Those of you legislators who live in the areas of Montana who have rapid economic growth know that what I am saying next is true: Montana's not a single economy; we are at least two, maybe three economies. Within that area the golden crescent, some people call it, I call it the Cowboy Boot, that starts in the Flathead, goes down through Missoula, turns through the Gallatin and the toe is Billings, within that part of Montana we have some of the most robust economic development anyplace in the country. But if you are outside the Cowboy Boot, times are a little tougher. That's why I am so proud of Senator Jerry Black, Representative Bob Bergren; a Democrat, a Republican reaching across the aisle and saying; "We will join all the provinces and states that surround Montana that have figured it out." We need to add value to our grain and create a sustainable, renewable supply of fuel called ethanol.

Montana is the Treasure State. We have been blessed with abundant minerals. And in particular today, an almost inexhaustible supply of energy. Our great coal reserves, our natural gas, our wind power, and the potential for hydrogen development in Montana. We need to put the pieces together and that is why we are calling an energy

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conference for this summer where we will bring together the best and the brightest minds in energy generation and energy transmission so that we can build a plan for energy in Montana that encompasses not one year, not five years, not 25 years, but 1, 5, and 25 years and beyond. It's important. Montana can be a leader in energy for the entire world; the time to start is now.

You know, I know that Montana is the greatest place in the world to raise a family, to start and grow a business. You know it, and I know it and now we will tell the world. We are proposing a significant promotion of the attributes of doing business in Montana, to attract new businesses to Montana, new investment to Montana. And help the existing businesses in Montana continue to prosper and grow. As part of it we are going to re-implement the Made in Montana program. There is a great sense of pride for the people of Montana to buy Made in Montana, but more importantly Montana's name has a magical ring to people from around the country and around the world. We need to promote the products around the country and around the world and be proud of those products as Made in Montana. If you think economic development is not easy outside the Cowboy Boot, if you think economic development is tough in the rural areas of Montana, be assured it's even tougher in Indian country. We are committed to a significant effort to bringing economic opportunity to the First Montanans.

Some 30 years ago Montana embarked on a new industry. We were a leader 30 years ago among the states in attracting the film industry to Montana. Somewhere we lost our way and for the last few years the grand stories of Montana families have been filmed in Alberta, in Saskatchewan where they have attracted the film industry to Canada, now North Carolina, Utah, Louisiana. The film industry would love to film in Montana. We are putting together a package to attract the film industry to come back to Montana. When the film industry comes to Montana they bring trucks full of equipment and trucks full of money that they leave behind when they are done. They buy things made in Montana, they rent motels, and they eat at our restaurants. They hire Montanans for lights and sound and probably more significant is that when you put the majesty of the Big Sky on the big screen people all over the world have the opportunity to see Montana. In South America, in Asia, in Europe and all over this country hearts beat a little faster. Families that watch these movies, their hearts are beating and they say, Somehow, some way, someday we're going to Montana.

In all 56 counties I have heard from the families and the small businesses, "Can't we make government more efficient? Can't we find a way of delivering the functions of government cheaper? Can't we do a better job of delivering Montana's government to Montana's families?" They are all asking that question. That's why we are putting together a performance review. We are going to look for those savings. Lieutenant Governor John Bohlinger is going to lead this effort. We are going to ask people from across Montana to give us their best ideas. Send us your best ideas at [ideas.mt.gov](http://ideas.mt.gov). Tell us your ideas on how we can deliver Montana's government more efficiently across Montana. And to the state employees across Montana, know this, your good ideas are valued. You will not be reprimanded; in fact, we will reward you. We are implementing what we call the Corps of Recovery. We are asking state employees to send their best ideas, and every month we will choose the employee with the best idea, and we will present them with a \$1,000 check and a coin made of palladium.

We have selected palladium because, like Montana's state employees, it is only found in Montana. It is produced in South Africa, Russia, and in Montana at the Stillwater Mine. Palladium is a beautiful metal. It is the color of silver or platinum, but it's a working metal, like state employees. Palladium is used for catalytic converters, fuel cells; it's a working metal, like our state employees. This is unique in another way. It's silver, but unlike silver or platinum, palladium never loses its shine, like state employees.

Families across Montana have already figured it out. As Montana continues to grow, as Montana continues to grow our economic opportunities, as we move from just a resource-based economy to an economy that is adding value to our minerals, adding value to our agriculture, adding value to our energy, we are increasingly a knowledge-based economy. As such we must understand it is time to invest in higher education.

My mother and father are here this evening. Mom and Dad are children of Montana homesteaders. Neither my mom nor my dad graduated from high school, but they were dreamers; they dreamed of the possibility of sending their children to college. They were people of simple means, but because the state of Montana and the federal government understood the importance of investing in higher education, with hard work, and part-time jobs, scholarships, and grants, they were able to send all six of their kids to college because they were dreamers. During the last dozen years Montana's commitment to higher education has been lagging. And today families all over Montana, families like the one I grew up in, families of limited means are not going to be able to send the next generation to college.

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I've already mentioned to you how important higher education is for economic development. A knowledge-based society requires that we educate people in the disciplines, in the jobs that we are creating. It is time that we invest in higher education, and we have a plan. We would like to implement a plan that we call the best and the brightest. We would like to offer a \$1,000 per year scholarship for up to four years to the best and brightest from every high school in Montana, 180 of these best and brightest scholarships, four year, \$1,000 scholarships to attend a Montana college or university. In addition, 40 more scholarships, Best and Brightest scholarships that are \$2,000 for four years to attend a Montana college or university. 500 scholarships that are needs based for our young people to attend our colleges of technology, those colleges that will rapidly train for the jobs of tomorrow. Medical technicians, diesel mechanics, heating and air conditioning specialists, and the list goes on. 500 \$1,000 per year scholarships for up to two years, and in addition to that, 150 scholarships, once again to the Best and Brightest graduates who choose to study at our colleges of technology, \$1,000 a year for two years.

But, it doesn't start at higher education, it starts with an age you saw right here earlier from the Canyon Creek Elementary School. Let us remember that an investment in K-12 is an investment in our future. Children like these Canyon Creek kids are the future of Montana. In order for us to prepare the next generation for our colleges of technology and universities, we need to invest in K-12 today. Today we have the legislature in session. I know that the greatest task that you are faced with is to put together a funding formula to invest in the future of Montana, our elementary school students. Please finish the work within 90 days. Invest in our future today.

Recently the people of Montana have spoken. They, through referendum, have decided that we would do something significant about tobacco use. They have implemented and instructed us to spend the money wisely. They have implemented a plan of \$1 per pack of cigarettes and they've told us how to spend that money. They told us first, let us spend the money to decrease the number of smokers in this state. I have been in all 56 counties. I have been to high schools all across Montana. If you haven't been to them lately, I will take you to them, across the street, down the alley, across the parking lot, on the noon hour, before school, after school and I will show you where high school students are learning to smoke. It is time to put an end to new smokers in Montana. Nancy and I have three teenagers. We know, like families all over Montana, that these tobacco companies will not be in business 30 years from now if they are unable to addict your children today. We will use the money to reduce the number of smokers in Montana today. The time to start is now.

The people of Montana also told us that they want us to invest this money wisely in healthcare. They told us that we should invest this money in the Child Health Insurance Program so children 18 years and younger of limited means will have health insurance. This is a great program because there are federal matching funds 4 to 1. We will fully fund the CHIP program in Montana.

20% of Montana doesn't have health insurance. All over Montana the story is the same. The parents are tucking these kids into bed just like the parents of Canyon Creek students. And as they tuck their kids into bed, it's the same in all families, get on your knees, say a prayer beside the bed, you softly close the door. But in 20% of these families they walk down the hall, then they get on their knees one more time and they pray to God that no one gets sick or injured in their family because they don't have health insurance. Many of these families are owners of small businesses, and employees of small businesses, the backbone of Montana's economy. That's why when the people spoke they said we ought to help with targeted tax credits that the small businesses across Montana that have not been able to afford insurance can pool together for a targeted tax credit so that more families have health insurance. There will be less cost shifting, because when a family doesn't have health insurance they go to the emergency room in an emergency and that is the most expensive. If that family was unable to afford health insurance, surely they would not be able to pay the bill at the hospital. So that bill gets passed along to those who can afford health insurance, because health insurance is a business in Montana. It's the largest business in Montana and our healthcare providers need to be compensated so they pass those costs along to those of us that do have health insurance raising the cost of health insurance for everybody. That's why it's so important to help the targeted tax credits to pool together in large numbers so the small business owners and their families and employees can pool together to they too can enter the world of insured families. Those healthcare providers in each and every one of our communities are heroes; they provide their services for 20% of the cost. That is Medicaid reimbursement. The people of Montana have also spoken that we need to reimburse our healthcare providers at a higher rate and we will do that as well.

These folks also have said we need to help people with their prescription drugs, and we will, but we won't make the mistake that Congress made. Congress passed a prescription drug benefit for Medicare, but they specifically put language in the bill that specifically prevents Congress from negotiating the price of medicine. Joan Stroup is here tonight. Joan is one of those courageous Montanan senior citizens who in 1999 when I started taking buses

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across the border to Canada to demonstrate the hypocrisy of Congress that passed the North American Free Trade Agreement that freely allows hogs and logs and cattle and grain and energy and manufactured goods to cross the border disrupting the local markets but medicine made in the United States, shipped across to Canada, is not allowed to come back. Joan traveled with us not to Canada, but she flew with a group of senior citizens to Phoenix and we drove vans into Mexico. Joan was spending \$1280 a month to buy her prescription drugs. At a Mexican pharmacy we found the same medicine, made in the United States, for \$247 per month. Thank you for your courage, Joan, and let me say this: I will not rest as your Governor until every person in Montana can buy world-class medicine at a world price at your local pharmacy.

We talked about the importance of stopping the next generation from smoking, but now let's talk about healthy choices, healthier living, exercise, healthier eating, responsible use of alcohol. And now let us talk about drugs. Let us talk about methamphetamine. This is one of the greatest challenges in every community across Montana. That is why I am so proud of a doctor, Representative Dr. Don Roberts, for proposing that we ought to have a commissioner for drug addictions to pull together all the resources in the state of Montana, state, county and city.

And let us not forget our most important asset in Montana. That is our quality of life. This is a great place to raise a family; safe communities, the most spectacular public land on the planet for hunting, for camping, for fishing, so that's why it is so important for this legislature, Michael Lange, to make the block management program permanent. Continue the Habitat Montana Program and the Fishing Access Enhancement Program. We are also proposing to restore the Montana Agricultural Heritage Program to protect those special places across Montana.

In conclusion I will turn once again to Teddy Roosevelt who said: "It is true of the Nation as it is the Individual, the greatest doer must also be a great dreamer." I challenge you to be dreamers. I challenge you to be doers and let us make the greatest place in the world even better. I thank you again and I remind the members of my administration: We shall not forget who we work for. We shall not forget that single mother in Billings with two disabled children whose husband and father of the children couldn't cope and left the family. We will not forget her. We will not forget the small businessperson on Main Street in Miles City. We will not forget the farm family from Cut Bank who's been on the farm for three generations who just wants to pass the family farm on to the next generation. So I ask all of you legislators to join us and never forget who we work for, The families of Montana. God Bless you, God Bless Montana, God Bless America."

President Tester thanked Governor Schweitzer and directed the escort committee to escort Governor Schweitzer from the joint session.

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Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from Governor Schweitzer, be adjourned. Motion carried.

Joint session adjourned at 7:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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59TH LEGISLATURE  
FIFTEENTH LEGISLATIVE DAY

Helena, Montana  
January 20, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Jopek. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Henry, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/20/2005  
Correctly printed: **HB 56, HB 103, HB 109, HB 119, HB 142, HB 178, HB 226, HJR 5, HJR 89, HJR 112, HJR 126, HJR 135, HJR 160, HJR 175.**  
Correctly engrossed: **HB 45, HB 77, HB 144, HB 167, HB 174, HB 225.**

**BUSINESS AND LABOR** (Keane, Chairman): 1/21/2005  
**HB 188**, introduced bill, be amended as follows:

1. Page 21, line 16.  
**Strike:** "a quarterly"  
**Insert:** "an annual"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman): 1/21/2005  
**HB 49**, introduced bill, be amended as follows:

1. Title, page 1, line 11.  
**Strike:** "46-23-508,"

2. Page 3, line 1.  
**Strike:** "ensure that the offender registers"  
**Insert:** "verify the offender's registration status"

3. Page 3, line 8 through line 9.  
**Strike:** "or given" on line 8 through "designation" on line 9

4. Page 3, line 11 through line 12.  
**Strike:** "or given" on line 11 through "designation" on line 12

5. Page 5, line 15 through page 6, line 21.  
**Strike:** section 5 in its entirety  
**Renumber:** subsequent section

6. Page 7, line 20 through line 21.  
**Strike:** "or, if" on line 20 through "state" on line 21

7. Page 7, line 24.

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**Following:** "department"

**Insert:** "of justice"

And, as amended, do pass. Report adopted.

**HB 66**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** ", whether or not a fine is also levied,"

2. Page 1, line 15.

**Strike:** "against the term of imprisonment"

3. Page 1, line 17.

**Following:** "bail and"

**Insert:** "who does not supply bail and"

4. Page 1, line 18.

**Strike:** "in addition to a term of imprisonment"

5. Page 1, line 18 through line 19.

**Strike:** "also, in" on line 18 through "imprisonment," on line 19

**Strike:** "against the amount of the fine" on line 19

6. Page 1, line 20 through line 22.

**Strike:** "A person" on line 20 through "The" on line 22

**Insert:** ", except that the"

And, as amended, do pass. Report adopted.

**HB 110**, introduced bill, be amended as follows:

1. Page 2, line 3.

**Insert:** "(4) The attorney general shall adopt rules to implement this section. The rules must include a procedure by which the attorney general is assured that an identity theft passport applicant has an identity theft claim that is legitimate and adequately substantiated."

And, as amended, do pass. Report adopted.

**HB 113**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Strike:** "Title 45"

**Following:** "9;"

**Insert:** "the Montana Code Annotated"

And, as amended, do pass. Report adopted.

**HB 169**, introduced bill, be amended as follows:

1. Page 7, line 23.

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**Following:** "affixed"

**Insert:** ", "

2. Page 7, line 24.

**Strike:** "and"

**Following:** "cigarettes"

**Insert:** ", and each pack sold, offered for sale, or possessed for sale"

3. Page 8, line 18 through line 23.

**Strike:** subsection (c) in its entirety

4. Page 8, line 27.

**Strike:** "recovered under part 4 of this chapter and subsection (1) and"

**Insert:** ", "

5. Page 8, line 28.

**Strike:** "subsection (4)"

**Insert:** "parts 4 and 5 of this chapter"

**Following:** "department"

**Insert:** "of justice"

6. Page 8, line 30.

**Following:** "department"

**Insert:** "of justice"

And, as amended, do pass. Report adopted.

**HB 191**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "testify"

**Insert:** "during or after the marriage"

2. Page 1, line 18 through line 19.

**Strike:** ", except" on line 18 through "marriage" on line 19

And, as amended, do pass. Report adopted.

**HB 196**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "REQUIRING"

**Insert:** "ALLOWING FOR"

2. Page 3, line 27 through line 28.

**Strike:** lines 27 and 28 in their entirety

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3. Page 4, line 11.

**Following:** "BY"

**Insert:** "SIGNING,"

**Following:** "ACCEPTING"

**Insert:** ", "

**Strike:** "I ASSUME"

**Insert:** "THE AGENT ASSUMES"

4. Page 4, line 12.

**Strike:** "I UNDERSTAND THAT"

5. Page 4, line 14 through line 15.

**Strike:** "AS THE" on line 14 through "WILL" on line 15

**Insert:** "THE AGENT SHALL"

6. Page 4, line 16.

**Strike:** "I HAVE"

**Insert:** "THE AGENT HAS"

7. Page 4, line 19.

**Strike:** "(Name)"

**Insert:** "(Signature)"

8. Page 4, line 23.

**Following:** "acknowledged."

**Insert:** "The agent's signature is not necessary if the agent accepts or acts under the appointment."

And, as amended, do pass. Report adopted.

**HB 205**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "IMMEDIATE"

2. Page 1, line 26.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2005"

And, as amended, do pass. Report adopted.

**HB 250**, do pass. Report adopted.

**HB 254**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Following:** "drug"

**Strike:** "or"

**Insert:** ", "

**Strike:** "or both the name and dosage"

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**Insert:** ", the instructions for use, the printed name or other identifying letters or numbers unique to the medical practitioner, and, if required, the federal drug enforcement agency identifying number"

2. Page 1, line 12 through line 13.

**Strike:** "person" on line 12 through "learning" on line 13

**Insert:** "registered pharmacist licensed to practice in this state"

3. Page 1.

**Following:** line 13

**Insert:** "(2) Any person may file a complaint alleging a violation of subsection (1) with the board that licensed the medical practitioner who issued the prescription. The board may investigate the complaint and take any action and impose any sanction allowed by the statutes relating to the board and rules adopted by the board. Each board licensing a medical practitioner shall adopt rules to implement this section.

(3) The board may refer the complaint to the county attorney of the county in which the prescription was issued, whether or not the board itself has taken any action or imposed any sanction. A county attorney may not file an action alleging a violation of subsection (1) unless a complaint has been referred to the county attorney by the medical practitioner's licensing board."

**Renumber:** subsequent subsection

4. Page 1, line 16.

**Insert:** "NEW SECTION. **Section 2. Time for adopting rules.** Rules required by [section 1(2)] must be adopted by July 1, 2006."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

1/21/2005

**HB 78**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Following:** "part."

**Insert:** "Prior to issuing or renewing a permit, the department shall determine, on the basis of the inspection report and other relevant information, whether the operation and maintenance of the tank were in compliance with this part and rules adopted pursuant to this part on the date of inspection."

And, as amended, do pass. Report adopted.

**HB 185**, introduced bill, be amended as follows:

1. Page 2, line 8.

**Insert:** "(iii) The department may not enter into an agreement or memorandum of understanding with a federal land management agency that would require the department to impose requirements on an operator that are more stringent than state law and rules."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

1/21/2005

**SB 68**, introduced by Balyeat

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**STATE INTERNET/BBS COPY**

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**HB 363**, introduced by Eaton, Dickenson, Hiner, Becker, Caferro, Galvin-Halcro, Golie, referred to Judiciary.  
**HB 364**, introduced by Maedje, referred to Business and Labor.  
**HB 365**, introduced by Maedje, McGee, referred to Local Government.  
**HB 366**, introduced by Koopman, Ward, Brown, Maedje, Balyeat, Furey, Golie, Clark, Campbell, Lange, Mendenhall, Klock, Everett, Warden, Sonju, Eaton, Windham, Jackson, Cohenour, Ripley, Hawk, referred to Judiciary.  
**HB 367**, introduced by Parker, referred to Judiciary.  
**HB 368**, introduced by Mendenhall, Brown, Ross, Rice, Balyeat, Jones, Lange, Hawk, Klock, Koopman, referred to Judiciary.  
**HB 369**, introduced by Gallik, B. Olson, Buzzas, Dowell, Bixby, Lambert, A. Olson, Hawk, Villa, Stahl, referred to Education.  
**HB 370**, introduced by Gallik, referred to Natural Resources.  
**HB 371**, introduced by Lambert, referred to Local Government.  
**HB 372**, introduced by Harris, Hamilton, Villa, Dickenson, Jacobson, Campbell, Cohenour, referred to Business and Labor.  
**HB 373**, introduced by Harris, Dickenson, Wiseman, Hamilton, Becker, Villa, Campbell, Cohenour, referred to State Administration.  
**HB 374**, introduced by Harris, Hamilton, Becker, Dickenson, Wiseman, Jacobson, Villa, Cohenour, Campbell, referred to Judiciary.  
**HB 375**, introduced by Harris, Hamilton, Villa, Wiseman, Dickenson, Jacobson, Campbell, Cohenour, referred to Appropriations.  
**HB 376**, introduced by Harris, Hamilton, Becker, Dickenson, Wiseman, Jacobson, Villa, Campbell, Cohenour, referred to State Administration.  
**HB 377**, introduced by Keane, Lenhart, Windy Boy, Lange, Dowell, B. Olson, Cohenour, A. Olson, Tropila, Golie, Ripley, Groesbeck, Sonju, Noonan, referred to Transportation.  
**HB 378**, introduced by Windy Boy, Pease, Bergren, Hamilton, Campbell, Wanzenried, Small-Eastman, Caferro, Wiseman, Hansen, Toole, Windham, referred to Fish, Wildlife and Parks.  
**HB 379**, introduced by Windy Boy, Bergren, Pease, Gutsche, Hansen, Henry, Campbell, Toole, Hamilton, Wanzenried, Lambert, Musgrove, Caferro, Dickenson, Maedje, Small-Eastman, Windham, Franklin, Hiner, referred to Natural Resources.  
**HB 380**, introduced by Gallik, referred to Judiciary.  
**HB 381**, introduced by Callahan, Roberts, Clark, Cohenour, Gallik, referred to Business and Labor.  
**HB 382**, introduced by Callahan, Cohenour, Gallik, referred to Business and Labor.  
**HB 383**, introduced by Wanzenried, referred to State Administration.  
**HB 384**, introduced by Wells, referred to Local Government.  
**HB 385**, introduced by Wells, referred to Transportation.  
**HB 386**, introduced by Sinrud, referred to State Administration.  
**HB 387**, introduced by Juneau, Caferro, Galvin-Halcro, Dickenson, Hamilton, Groesbeck, McAlpin, Branae, Jacobson, Small-Eastman, Sesso, Jayne, Wanzenried, Jopek, Dowell, Campbell, Eaton, Harris, Hiner, Keane, Henry, Cohenour, Villa, Golie, Bixby, referred to Human Services.  
**HB 388**, introduced by A. Olson, Lenhart, B. Olson, Mangan, Golie, Keane, McNutt, Klock, Stahl, referred to Federal Relations, Energy, and Telecommunications.  
**HB 389**, introduced by A. Olson, B. Olson, Lenhart, Mangan, Golie, Keane, Stahl, Klock, McNutt, referred to Federal Relations, Energy, and Telecommunications.  
**HB 390**, introduced by Villa, referred to Fish, Wildlife and Parks.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 8**, introduced by Harris, referred to State Administration.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Waitschies in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 18** - Representative Juneau moved **HB 18** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 42

Voted Absentee: Henry, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 43** - Representative Musgrove moved **HB 43**, second reading copy, do pass and be amended as follows:

1. Title, line 6.  
**Strike:** "AN"  
**Insert:** "A DELAYED"

2. Page 2, line 10.  
**Strike:** "2005"  
**Insert:** "2006"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.

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Total 0

Excused: Henry.

Total 1

Absent or not voting: Waitschies.

Total 1

**HB 43** - Representative Musgrove moved **HB 43**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Henry, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 212** - Representative Sesso moved **HB 212** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Everett, Koopman, Rice, Sales, Waitschies, Wells.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Waitschies moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson,



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Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt.

Total 91

Noes: Butcher, Dowell, Facey, Hawk, Mendenhall, Sales, Sinrud, Windham.

Total 8

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 33** - Representative Gallik moved **HB 33** do pass. Motion failed as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noennig, Parker, Raser, Small-Eastman, Wanzenried, Wilson, Windham, Wiseman.

Total 37

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Callahan, Everett, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Waitschies moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Callahan, Campbell, Clark, Driscoll, Eaton, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Bixby, Butcher, Buzzas, Caferro, Cohenour, Dickenson, Dowell, Facey, Franklin, Furey, Gallik, Henry, Kaufmann, Musgrove, Sales, Windham.

Total 16

Excused: None.

Total 0

Absent or not voting: Balyeat, Witt.

Total 2

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 17** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Butcher, MacLaren, Sinrud, Wagman.  
Total 4

Excused: None.  
Total 0

Absent or not voting: McAlpin.  
Total 1

**HB 86** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Balyeat, Barrett, Butcher, Everett, Hawk, Himmelberger, Klock, Lambert, MacLaren, Maedje, Mendenhall, Milburn, B. Olson, Rice, Ripley, Sinrud, Stahl, Stoker, Wagman.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 147** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

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Noes: R. Brown, Himmelberger, Koopman, McGillvray, Sales, Sinrud, Wagman, Wells.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 159** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Koopman, Maedje, Sales, Sinrud, Sonju, Wells.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 1** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, A. Olson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 32** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman,

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Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Balyeat, Butcher, Hawk, MacLaren, Rice, Ripley, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 88** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Andersen, Balyeat, Barrett, Everett, Hawk, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, Mendenhall, Rice, Ripley, Roberts, Sales, Taylor, Waitschies, Wells.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Parker moved that HB 332 be re-referred from Human Services Committee to House Appropriations Committee. Motion carried.

Rep. Parker moved that HB 18 be re-referred from 2nd Reading to House Appropriations. Motion carried.

Rep. Alan Olson moved to reconsider the vote on 2nd Reading of HB 45 on January 19, 2005.

Rep. Gallik moved to table the motion of Rep. Alan Olson.

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion failed.

Rep. Wanzenried asked for a clarification of the motion from Rep. Alan Olson. Rep. Facey stated this was not a debatable issue. Rep. Lange clarified that it is a debatable issue since it is done in Motions, not in the Committee of the Whole.

Rep. Alan Olson moved to reconsider the actions of the House on HB 45 from yesterday.

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Dowell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion passed.

Rep. Gallik moved that HB 45 be re-referred to House Appropriations Committee.

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Milburn, Musgrove, Noonan, Parker, Raser, Sinrud, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Callahan, Everett, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion failed.

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Rep. Alan Olson moved to place HB 45 on 2nd Reading tomorrow.

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Callahan, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion passed.

**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 198, HJR 3. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, January 22, 2005. Motion carried.

House adjourned at 2:35 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 21, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 21, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Warden. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bixby and Franklin, excused. Quorum present.

Speaker Matthews introduced Valerie Kutsch, Bozeman, as an Honorary Page for the day.

Speaker Matthews thanked the pages for the week.

The University of Montana - Western Polynesian Club provided entertainment for the House.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/21/2005  
Correctly engrossed: **HB 43, HB 49, HB 66, HB 78, HB 110, HB 113, HB 169, HB 185, HB 188, HB 191, HB 196, HB 205, HB 250, HB 254.**

**BUSINESS AND LABOR** (Keane, Chairman): 1/21/2005  
**HB 157**, introduced bill, be amended as follows:

1. Page 5, following line 7.

**Insert:** "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Renumber:** subsequent section

2. Page 5, line 10.

**Following:** "into"

**Insert:** "or renewed"

And, as amended, do pass. Report adopted.

**HB 179**, introduced bill, be amended as follows:

1. Title, line 8 through line 10.

**Strike:** "ELIMINATING" on line 8 through "PROGRAM;" on line 10

2. Title, line 10.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 30-16-303"

3. Page 2, line 16 through page 3, line 15.

**Strike:** Section 2 in its entirety

And, as amended, do pass. Report adopted.

**HB 209**, do pass. Report adopted.



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**HB 316**, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):

1/21/2005

**HB 83**, do pass. Report adopted.

**HB 162**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

1/21/2005

**HB 70**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Following:** "COMMISSIONERS" on line 4

**Strike:** "OF" on line 4 through "COUNTIES" on line 5

2. Page 1, line 30.

**Following:** "commissioners"

**Strike:** "of" through "7-1-2111,"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

1/21/2005

**HB 52**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 391**, introduced by Hamilton, Windy Boy, Furey, Branae, Harris, Gallik, Villa, Balyeat, referred to Judiciary.

**HB 392**, introduced by Hamilton, Windy Boy, Furey, Parker, referred to Judiciary.

**HB 393**, introduced by Mendenhall, Wanzenried, referred to Transportation.

**HB 394**, introduced by Clark, Wilson, Noonan, Gutsche, Driscoll, referred to Fish, Wildlife and Parks.

**HB 395**, introduced by Becker, Eaton, Driscoll, Grinde, referred to Human Services.

**HB 396**, introduced by Becker, referred to Education.

**HB 397**, introduced by Dowell, Jackson, Mangan, O'Neil, Everett, Sonju, referred to Education.

**HB 398**, introduced by Dowell, Raser, Cohenour, Branae, Parker, Cooney, Lindeen, Keane, referred to Transportation.

**HB 399**, introduced by Rice, Butcher, Sales, Barrett, Waitschies, Peterson, referred to Agriculture.

**HB 400**, introduced by Keane, Galvin-Halcro, Cohenour, referred to Business and Labor.

**HB 401**, introduced by Keane, Galvin-Halcro, Cohenour, referred to Business and Labor.

**HB 402**, introduced by Lindeen, referred to Business and Labor.

**HB 403**, introduced by Jopek, referred to Natural Resources.

**HB 404**, introduced by Koopman, Jackson, Wells, Butcher, referred to Education.

**HB 405**, introduced by Jones, Windy Boy, Clark, Lenhart, Small-Eastman, Windham, Gutsche, Musgrove, Lambert, referred to Agriculture.

**HB 406**, introduced by Bergren, Tester, Hanson, Parker, Jones, McAlpin, Black, Lenhart, Dowell, Becker, Kitzenberg, Galvin-Halcro, Harrington, Klock, Keane, Roush, Wanzenried, Stahl, Musgrove, Windham, Callahan, Wiseman, Wilson, Windy Boy, Mangan, referred to Agriculture.

**HB 407**, introduced by Cohenour, Bergren, Villa, Jent, Malcolm, Eaton, Golie, Keane, referred to Transportation.

**HB 408**, introduced by Butcher, referred to Taxation.

**HB 409**, introduced by Golie, McKenney, Gebhardt, Tropila, Lange, referred to Business and Labor.

**HB 410**, introduced by Facey, referred to Taxation.

**HB 411**, introduced by Wells, Roush, Tropila, Windy Boy, McKenney, Ripley, Klock, Wanzenried, Cohenour, Peterson, McGee, Brown, Musgrove, Jacobson, Cocchiarella, Lenhart, Keane, McNutt, Wilson, Keenan, Matthews, Maedje, Lange, Callahan, Witt, Wheat, Harrington, Gallus, Kitzenberg, Jent, Barkus, Bales, Gebhardt, J. Balyeat, Tester, B. Olson, Franklin, Perry, Smith, Stahl, referred to Human Services.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 56** - Representative Warden moved **HB 56** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Stahl.  
Total 1

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 77** - Representative B. Olson moved **HB 77** do pass. Motion carried as follows:  
en, Barrett, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Hawk, Himmelberger, Hiner, Jayne, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 36

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 89** - Representative Witt moved **HB 89** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Callahan, Campbell, Cohenour, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake,

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Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 76

Noes: Bixby, Branae, Buzzas, Caferro, Clark, Dickenson, Dowell, Gallik, Gutsche, Hamilton, Harris, Hawk, Jayne, Jopek, Juneau, Kaufmann, McGillvray, Noonan, Sales, Sesso, Sinrud, Small-Eastman, Windham, Wiseman.  
Total 24

Voted Absentee: Franklin, Aye; Bixby, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 112** - Representative Musgrove moved **HB 112**, second reading copy, do pass.  
Representative Jacobson moved **HB 112**, second reading copy, be amended as follows:

1. Page 3, line 16.  
**Following:** "home"  
**Insert:** "within the state of Montana"

2. Page 3, line 17.  
**Following:** "site"  
**Insert:** "within the state of Montana"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Heinert, Hendrick, Jackson, Lake, McNutt, Noennig, Rice, Sales, Sinrud.  
Total 9

Excused: Bixby, Franklin.  
Total 2

Absent or not voting: None.  
Total 0

**HB 112** - Representative Musgrove moved **HB 112**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 72

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Total 28

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 119** - Representative Golie moved **HB 119** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Butcher, Koopman, Stahl, Stoker.

Total 4

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.

Total 0

Absent or not voting: Waitschies.

Total 1

**HB 126** - Representative Mendenhall moved **HB 126** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.

Total 0

Absent or not voting: Golie.

Total 1

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**HB 135** - Representative D. Brown moved **HB 135** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 142** - Representative Ripley moved **HB 142** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Sales, Sinrud.  
Total 2

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 144** - Representative Kaufmann moved **HB 144** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Everett, Hawk, Koopman, MacLaren, Maedje, McGillvray, Rice, Sales, Sonju, Stahl, Wells.

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Total 11

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

Representative Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: Butcher, Koopman, Sales, Sinrud, Stahl, Stoker, Wells.

Total 7

Excused: Bixby, Franklin.

Total 2

Absent or not voting: Gutsche.

Total 1

**HB 45** - Representative A. Olson moved **HB 45**, as amended, do pass. Motion failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Voted Absentee: Bixby, Franklin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Clark, Everett, Glaser, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 59

Noes: Becker, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lambert, Lindeen, Musgrove, Parker, Raser, Small-Eastman, Wanzenried, Wilson, Windham.

Total 38

Excused: Bixby, Franklin.

Total 2

Absent or not voting: Grinde.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 212** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Butcher, Everett, Koopman, MacLaren, Maedje, Rice, Sales, Waitschies, Wells.

Total 9

Excused: Bixby, Franklin.

Total 2

Absent or not voting: Caferro, Kaufmann.

Total 2

**HB 198** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Rice, Roberts, Sales, Sonju, Stahl.

Total 5

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Excused: Bixby, Franklin.  
Total 2

Absent or not voting: Furey.  
Total 1

**HJR 3** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Bixby, Franklin.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Parker moved that HB 89 be re-referred from Business and Labor Committee to House Appropriation Committee. Motion carried.

Rep. Parker moved that HB 109 be re-referred from Fish, Wildlife, and Parks Committee to the House Appropriations Committee. Motion carried.

Rep. Parker moved that HB 217 be re-referred from Judiciary Committee to the Human Services Committee. Motion carried.

Rep. Parker moved that HB 359 be re-referred from Agriculture Committee to the Local Government Committee. Motion carried.

**UNFINISHED BUSINESS**

Chief Clerk Marilyn Miller reported that there were requests for HB 103 and HB 109 to be removed from the Consent Calendar and placed on 2nd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, January 22, 2005. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 22, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Cohenour. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Sonju, Everett, Henry, Buzzas, Balyeat and Harris, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/22/2005  
Correctly printed: **HB 52, HB 83, HB 162, HB 209, HB 316.**  
Correctly engrossed: **HB 70, HB 112, HB 157, HB 179.**

**JUDICIARY** (Rice, Chairman): 1/22/2005  
**HB 40**, do pass. Report adopted.  
**HB 146**, introduced bill, be amended as follows:

1. Title, page 1, line 5.  
**Strike:** "REPEALING SECTION 17-8-231, MCA;"
2. Page 6, line 12 through line 13.  
**Strike:** "and that" on line 12 through "purposes" on line 13
3. Page 7, line 3.  
**Strike:** section 13 in its entirety  
**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 232**, do pass. Report adopted.  
**HB 257**, do pass. Report adopted.  
**HB 264**, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman): 1/22/2005  
**HB 30**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 155**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 412**, introduced by D. Brown, referred to Business and Labor.  
**HB 413**, introduced by D. Brown, referred to Taxation.  
**HB 414**, introduced by D. Brown, referred to Judiciary.  
**HB 415**, introduced by Jackson, referred to Select Committee on Education Funding.  
**HB 416**, introduced by Gallik, Dowell, Bixby, referred to Select Committee on Education Funding.  
**HB 417**, introduced by Lindeen, Tropila, Larson, Raser, Dowell, Becker, Callahan, Galvin-Halcro, Campbell, Small-Eastman, McAlpin, Eaton, Grinde, Branae, Wilson, Golie, Groesbeck, referred to State Administration.  
**HB 418**, introduced by Keane, Gallus, Jacobson, Raser, Gillan, Kauffman, Villa, Smith, Laslovich, Dowell, Jent, Gallik, Grinde, Cohenour, Driscoll, Windy Boy, Lindeen, Juneau, Kitzenberg, referred to Business and Labor.

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**HB 419**, introduced by Cohenour, Galvin-Halcro, Larson, Raser, Grinde, Musgrove, Harrington, Jacobson, Facey, Hamilton, Branae, Lenhart, Golie, Kitzenberg, Squires, Bergren, Dowell, Keane, Groesbeck, Wilson, referred to Business and Labor.

**HB 420**, introduced by Wagman, referred to Human Services.

**HB 421**, introduced by Golie, Noonan, Jacobson, Villa, Clark, Eaton, Raser, McAlpin, Groesbeck, Cohenour, Campbell, referred to Fish, Wildlife and Parks.

**HB 422**, introduced by Gallik, Groesbeck, Clark, Golie, Cohenour, referred to Business and Labor.

**HB 423**, introduced by Stahl, Kitzenberg, referred to Fish, Wildlife and Parks.

**HB 424**, introduced by Buzzas, referred to Business & Labor.

**HB 425**, introduced by Parker, referred to Business and Labor.

The following House resolution was introduced, read first time, and referred to committee:

**HR 1**, introduced by Parker, Lange, Brown, Himmelberger, Barrett, Harris, Wanzenried, Noennig, Wagman, Glaser, Lindeen, Matthews, Gallik, Golie, referred to Rules.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 161** - Representative McNutt moved **HB 161** do pass.

**HB 161** - Representative Mendenhall moved **HB 161**, second reading copy, be amended as follows:

1. Title, line 8 through line 9.

**Strike:** "PROVIDING" on line 8 through "AN EMPLOYER;" on line 9

2. Title, line 17.

**Strike:** "39-71-435,"

3. Page 3, line 1 through page 4, line 6.

**Strike:** Section 4 in its entirety

**Renumber:** subsequent sections

4. Page 15, line 12.

**Strike:** "5 and 7"

**Insert:** "4 and 6"

5. Page 15, line 13.

**Strike:** "10 and 13"

**Insert:** "9 and 12"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan,

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Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt.  
Total 92

Noes: None.  
Total 0

Excused: Balyeat, Buzzas, Everett, Harris, Henry, Sonju.  
Total 6

Absent or not voting: Wiseman, Mr. Speaker.  
Total 2

**HB 161** - Representative McNutt moved **HB 161**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Sales.  
Total 1

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Henry, Sonju, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 66** - Representative Jent moved **HB 66** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Henry, Sonju, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 110** - Representative Furey moved **HB 110** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Hawk.

Total 1

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Henry, Sonju, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 160** - Representative Jacobson moved **HB 160** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: D. Brown, R. Brown, Hawk, Hendrick, Himmelberger, Jayne, Klock, Koopman, Lambert, Maedje, Mendenhall, Rice, Ripley, Sales, Sinrud, Wagman, Waitschies, Wells, Windham, Witt.

Total 20

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Henry, Sonju, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 175** - Representative Cohenour moved **HB 175** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 99

Noes: Jayne.

Total 1

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Henry, Sonju, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 178** - Representative Taylor moved **HB 178** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Bixby, Campbell, Dowell, Franklin, Galvin-Halcro, Groesbeck, Jayne, Jopek, Juneau, Stahl, Stoker, Wanzenried, Windham, Windy Boy.

Total 14

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Sonju, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 188** - Representative Bergren moved **HB 188** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Koopman, Rice, Sales, Sinrud, Wells.

Total 5

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Sonju, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 205** - Representative Parker moved **HB 205** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: D. Brown, Hawk, Jayne, MacLaren, Mendenhall, Stahl, Warden.  
Total 7

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Sonju, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 250** - Representative Becker moved **HB 250** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Sonju, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 5** - Representative Small-Eastman moved **HJR 5** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.

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Total 0

Voted Absentee: Balyeat, Buzzas, Everett, Harris, Sonju, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Butcher, Sales, Wagman.

Total 3

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.

Total 5

Absent or not voting: Warden.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 43** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.

Total 5

Absent or not voting: None.

Total 0

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**HB 56** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Stahl.  
Total 1

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.  
Total 5

Absent or not voting: Taylor.  
Total 1

**HB 77** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Becker, D. Brown, R. Brown, Butcher, Golie, Hawk, Himmelberger, Hiner, Jayne, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.  
Total 32

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.  
Total 5

Absent or not voting: None.  
Total 0

**HB 119** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Butcher, Koopman, McGillvray, Rice, Stahl.  
Total 5

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.  
Total 5



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Absent or not voting: None.

Total 0

**HB 126** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.

Total 5

Absent or not voting: None.

Total 0

**HB 135** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.

Total 5

Absent or not voting: None.

Total 0

**HB 142** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Sales, Sinrud, Wells.

Total 3

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Excused: Balyeat, Buzzas, Everett, Harris, Sonju.  
Total 5

Absent or not voting: Franklin.  
Total 1

**HB 144** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Hawk, Koopman, MacLaren, Maedje, McGillvray, Mendenhall, Rice, Sales, Wells, Witt.  
Total 10

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.  
Total 5

Absent or not voting: Hendrick.  
Total 1

**HB 226** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sales, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Mendenhall, Rice, Roberts, Sinrud, Stahl, Stoker.  
Total 6

Excused: Balyeat, Buzzas, Everett, Harris, Sonju.  
Total 5

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Parker moved that HB 282 be re-referred from State Administration Committee to Taxation Committee.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, January 24, 2005. Motion carried.

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House adjourned at 9:30 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 24, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Sonju. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages for the House:

Duncan Adams, Helena; Shelby Blixt, Helena; Maureen Leonard, Florence; Tracy Marshall, Helena; Kellan Mills, Polson; Randi Schutt, Colstrip; Siri Smillie, Billings; and Jennifer Wallace, Florence.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/24/2005  
Correctly printed: **HB 30, HB 40, HB 155, HB 232, HB 257, HB 264.**  
Correctly engrossed: **HB 146, HB 161.**

**TRANSPORTATION** (Mendenhall, Chairman): 1/24/2005  
**HB 187**, introduced bill, be amended as follows:

1. Title, line 4.  
**Strike:** the second "AND"

2. Title, line 5.  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.  
**Following:** line 21  
**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 224**, do pass. Report adopted.  
**HB 275**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

Senate **bills** passed and transmitted to the House for concurrence:

1/24/2005

**SB 60**, introduced by Esp  
**SB 82**, introduced by Cobb  
**SB 85**, introduced by Squires  
**SB 87**, introduced by Elliott  
**SB 106**, introduced by Brueggeman  
**SB 121**, introduced by Keenan  
**SB 152**, introduced by Ryan  
**SB 180**, introduced by Cooney

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 426**, introduced by Grinde, Hamilton, Branae, Callahan, Windham, Wiseman, Cohenour, Bergren, Campbell, Driscoll, Becker, Galvin-Halcro, Villa, referred to State Administration.  
**HB 427**, introduced by Grinde, referred to Business and Labor.  
**HB 428**, introduced by Gutsche, Musgrove, Harris, Cohenour, referred to Natural Resources.  
**HB 429**, introduced by Gutsche, Musgrove, Harris, Cohenour, referred to Natural Resources.  
**HB 430**, introduced by Raser, Buzzas, Facey, Furey, McAlpin, Gutsche, Hamilton, Wanzenried, Jent, Jacobson, Wiseman, Branae, Noonan, referred to State Administration.  
**HB 431**, introduced by Raser, Wanzenried, referred to Local Government.  
**HB 432**, introduced by Raser, Parker, referred to Judiciary.  
**HB 433**, introduced by Lambert, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 152**, introduced by D. Ryan, referred to Select Committee on Education Funding.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hawk in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 49** - Representative Wilson moved **HB 49** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

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Excused: None.  
Total 0

Absent or not voting: Villa.  
Total 1

**HB 113** - Representative Jent moved **HB 113** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Franklin, Gallik, Glaser, Jayne, Juneau, Kaufmann, Klock, Koopman, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Wagman, Warden, Wells.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 157** - Representative McKenney moved **HB 157** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 169** - Representative McAlpin moved **HB 169** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

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Noes: Barrett, R. Brown, Butcher, Everett, Klock, Koopman, Lambert, Maedje, Morgan, Rice, Ripley, Sales, Sinrud, Stahl, Wagman, Wells.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 174** - Representative Witt moved **HB 174** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Taylor, Villa, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Dowell, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Koopman, Lake, Lambert, Lindeen, Maedje, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wanzenried, Wells.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 179** - Representative Lake moved **HB 179** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Juneau.  
Total 1

**HB 191** - Representative Becker moved **HB 191** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock,

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Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: MacLaren, McGillvray.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Hawk, Wilson.  
Total 2

**HB 196** - Representative Jayne moved **HB 196** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, D. Brown, Everett, Gallik, Hawk, Heinert, Koopman, MacLaren, McKenney, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells, Windy Boy.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**HB 209** - Representative McKenney moved **HB 209** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 225** - Representative Maedje moved **HB 225** do pass. Motion carried as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 316** - Representative Callahan moved **HB 316** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: R. Brown, Everett, Himmelberger, Koopman, Lake, McGillvray, Rice, Ross, Sales, Sinrud, Stahl, Stoker, Wagman.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hawk moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Butcher.  
Total 1

Excused: None.

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Total 0

Absent or not voting: Hawk.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 66** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 110** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Ripley.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 112** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche,

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Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Lake, Lange, McGillvray, McKenney, Milburn, Morgan, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wells, Witt.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 160** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, R. Brown, Butcher, Driscoll, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Klock, Koopman, Lambert, Lange, Maedje, Mendenhall, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Wagman, Waitschies, Wells.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 175** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Balyeat.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 178** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Bixby, Campbell, Franklin, Galvin-Halcro, Groesbeck, Jayne, Jopek, Juneau, A. Olson, Stoker.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 188** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Koopman, Rice, Sales, Sinrud, Wagman, Wells.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 205** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Warden.  
Total 1

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 250** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 5** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Jackson.  
Total 1

**MOTIONS**

Rep. Parker moved that HB 169 be re-referred from Judiciary Committee to House Appropriations Committee.  
Motion carried.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB162. There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Tuesday, January 25, 2005. Motion carried.

House adjourned at 2:22 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
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**HOUSE JOURNAL  
59TH LEGISLATURE  
NINETEENTH LEGISLATIVE DAY**

Helena, Montana  
January 25, 2005

House Chambers  
State Capitol

House convened at 1:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Facey. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/25/2005  
Correctly printed: **HB 224, HB 275.**  
Correctly engrossed: **HB 187.**

**APPROPRIATIONS** (Buzzas, Chairman): 1/25/2005  
**HB 44**, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman): 1/25/2005  
**HB 306**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 1, following line 13.

**Insert:** "(b) The department may make a decision on the appropriateness of listing a business on the electronic directory based upon the content or use of the products offered by the business."

3. Page 1, line 29 through line 30.

**Strike:** "that" on line 29 through "product" on line 30

**Insert:** "a finished product that has been created, made, produced, or enhanced in Montana by Montana residents resulting in a 50% or greater value-added product"

And, as amended, do pass. Report adopted.

**HB 270**, introduced bill, be amended as follows:

1. Page 2, line 20.

**Strike:** "Montanans currently leave the state to purchase"

**Insert:** "is not available in Montana or a substantially similar product or service that is not available in Montana, resulting in state residents leaving the state to purchase the product or service"

2. Page 5, lines 9 and 10.

**Following:** "average"

**Strike:** "private"

3. Page 5, line 28 through line 30.

**Strike:** ", with" on line 28 through "system" on line 30

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And, as amended, do pass. Report adopted.

**HB 300**, do pass. Report adopted.

**HB 339**, do pass. Report adopted.

**HB 354**, do pass. Report adopted.

**HB 306**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 1, following line 13.

**Insert:** "(b) The department may make a decision on the appropriateness of listing a business on the electronic directory based upon the content or use of the products offered by the business."

3. Page 1, line 29 through line 30.

**Strike:** "that" on line 29 through "produced" on line 30

**Insert:** "a finished product that has been created, made, produced, or enhanced in Montana by Montana residents resulting in a 50% or greater value-added product"

And, as amended, do pass. Report adopted.

**HB 318**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "PROVIDING"

**Insert:** "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 2, following line 26.

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

**Renumber:** subsequent section

3. Page 2, line 29.

**Strike:** "October 1, 2005"

**Insert:** "[the effective date of this act]"

And, as amended, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):

1/25/2005

**HB 302**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "SUPERINTENDENT"

**Insert:** "OR A DESIGNATED EMPLOYEE IN A DISTRICT WITH NO SUPERINTENDENT"

2. Page 2, lines 13 and 14.

**Following:** "(ii)" on line 13

**Strike:** "the"

**Insert:** "in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting"

**Following:** "superintendent" on line 13



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**Insert:** "or a designated employee in a district with no superintendent"

**Strike:** "related to or" on line 13

**Following:** "support of" on line 14

**Insert:** "or opposition to"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 1/25/2005

**HJR 4**, be adopted. Report adopted.

**HB 153**, introduced joint resolution, be amended as follows:

1. Title, line 9.

**Following:** "APPROVAL;"

**Insert:** "PROVIDING AN EXEMPTION;"

2. Page 1, line 14.

**Strike:** "and 2"

**Insert:** "through 3"

3. Page 1, line 17.

**Strike:** "any"

**Insert:** "a financial"

4. Page 2, line 6.

**Following:** "in"

**Insert:** "[section 3] and"

**Following:** "(4)"

**Insert:** "of this section"

5. Page 2, line 18.

**Strike:** "and 2"

**Insert:** "through 3"

6. Page 2, line 19.

**Insert:** "NEW SECTION. Section 3. Exemption. A regulated energy utility that has entered into a stipulation agreement with the commission regarding the separation of its nonregulated utility business is exempt from the provisions of [sections 1 through 3] as long as the stipulation agreement remains effective under a federal bankruptcy court order."

**Renumber:** subsequent sections

7. Page 2, line 20.

**Strike:** "and 2"

**Insert:** "through 3"

8. Page 2, line 21.

**Strike:** "and 2"

**Insert:** "through 3"

And, as amended, be adopted. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

1/25/2005

**HB 80**, do pass. Report adopted.

**HB 127**, do pass. Report adopted.

**HB 216**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "obligee"

**Insert:** "or as an aid to the operation of the IV-D program"

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2. Page 2, line 13.

**Following:** "property;"

**Strike:** "and"

3. Page 2, line 15.

**Following:** "interest"

**Insert:** "; and

(1) the information listed in subsection (2)(g) for all Montana employers for the operation of the directory of new hires established under 40-5-922, including information received by electronic transmission"

4. Page 13, line 14 through line 15.

**Following:** "service" on line 14

**Strike:** remainder of line 14 through "distrain" on line 15

**Insert:** ", including a warrant received by electronic transmission"

5. Page 20, line 16.

**Following:** "process"

**Insert:** ", except an execution, attachment, or garnishment of a right to compensation for work loss to secure payment of maintenance or child support"

6. Page 20, line 18.

**Strike:** "execution, attachment, garnishment, or"

And, as amended, do pass. Report adopted.

**HB 255**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

**Following:** "SPECIFYING THAT"

**Strike:** remainder of line 5 through "DISORDER" on line 6

**Insert:** "A MENTAL DISORDER MAY CO-OCCUR WITH ADDICTION OR CHEMICAL DEPENDENCY"

2. Title, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "53-21-102"

**Insert:** "AND 53-21-126"

3. Page 2, line 14.

**Following:** "alcohol"

**Strike:** remainder of line 14 through "disorder"

4. Page 2, line 15.

**Following:** "intoxication"

**Strike:** remainder of line 15 through "disorder"

5. Page 1, line 18.

**Following:** line 17

**Insert:** "(c) A mental disorder may co-occur with addiction or chemical dependency."

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6. Page 3, line 23.

**Following:** line 22

**Insert:** "Section 2. Section 53-21-126, MCA, is amended to read:

**"53-21-126. Trial or hearing on petition.** (1) The respondent must be present unless the respondent's presence has been waived as provided in 53-21-119(2), and the respondent must be represented by counsel at all stages of the trial. The trial must be limited to the determination of whether or not the respondent is suffering from a mental disorder and requires commitment. At the trial, the court shall consider all the facts relevant to the issues of whether the respondent is suffering from a mental disorder. If the court determines that the respondent is suffering from a mental disorder, the court shall then determine whether the respondent requires commitment. In determining whether the respondent requires commitment and the appropriate disposition under 53-21-127, the court shall consider the following:

(a) whether the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) whether the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) whether, because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; and

(d) whether the respondent's mental disorder, as demonstrated by the respondent's recent acts or omissions, will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(2) The standard of proof in a hearing held pursuant to this section is proof beyond a reasonable doubt with respect to any physical facts or evidence and clear and convincing evidence as to all other matters. However, the respondent's mental disorder must be proved to a reasonable medical certainty. Imminent threat of self-inflicted injury or injury to others must be proved by overt acts or omissions, sufficiently recent in time as to be material and relevant as to the respondent's present condition.

(3) The professional person appointed by the court must be present for the trial and subject to cross-examination. The trial is governed by the Montana Rules of Civil Procedure. However, if the issues are tried by a jury, at least two-thirds of the jurors shall concur on a finding that the respondent is suffering from a mental disorder and requires commitment. The written report of the professional person that indicates the professional person's diagnosis may be attached to the petition, but any matter otherwise inadmissible, such as hearsay matter, is not admissible merely because it is contained in the report. The court may order the trial closed to the public for the protection of the respondent.

(4) The professional person may testify as to the ultimate issue of whether the respondent is suffering from a mental disorder and requires commitment. This testimony is insufficient unless accompanied by evidence from the professional person or others that:

(a) the respondent, because of a mental disorder, is substantially unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety;

(b) the respondent has recently, because of a mental disorder and through an act or an omission, caused self-injury or injury to others;

(c) because of a mental disorder, there is an imminent threat of injury to the respondent or to others because of the respondent's acts or omissions; or

(d) (i) the respondent's mental disorder:

(A) has resulted in recent acts, omissions, or behaviors that create difficulty in protecting the respondent's life or health;

(B) is treatable, with a reasonable prospect of success;

(C) has resulted in the respondent's refusing or being unable to consent to voluntary admission for treatment; and

(ii) will, if untreated, predictably result in deterioration of the respondent's mental condition to the point at which the respondent will become a danger to self or to others or will be unable to provide for the respondent's own basic needs of food, clothing, shelter, health, or safety. Predictability may be established by the respondent's relevant medical history.

(5) The court, upon the showing of good cause and when it is in the best interests of the respondent, may order a change of venue.

(6) An individual with a primary diagnosis of a mental disorder who also has a co-occurring diagnosis of chemical dependency may satisfy criteria for commitment under this part."

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And, as amended, do pass. Report adopted.

**RULES** (Parker, Chairman):

1/25/2005

**HR 1**, be adopted. Report adopted.

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**STATE ADMINISTRATION** (Jent, Chairman):  
**HB 116**, introduced bill, be amended as follows:

1/25/2005

1. Title, page 1, line 4.

**Following:** "THAT"

**Insert:** "SIGNIFICANT"

**Following:** "AND"

**Insert:** "THAT SIGNIFICANT"

2. Title, page 1, line 5.

**Strike:** "BEFORE"

3. Title, page 1, line 6.

**Strike:** "IMPLEMENTATION"

4. Page 1, line 15.

**Following:** "any"

**Insert:** "significant"

5. Page 1, line 16.

**Following:** "submitted"

**Insert:** "on a regular basis"

6. Page 1, line 17 through line 18.

**Strike:** "The" on line 17 through ".\_" on line 18

7. Page 3, line 1.

**Following:** "any"

**Insert:** "significant"

8. Page 3, line 2.

**Following:** "submitted"

**Insert:** "on a regular basis"

9. Page 3, line 3 through line 4.

**Strike:** "The" on line 3 through ".\_" on line 4

And, as amended, do pass. Report adopted.

**HB 184**, introduced bill, be amended as follows:

1. Page 3, line 24.

**Following:** "~~contract,~~"

**Insert:** ", with advisory powers only,"

And, as amended, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**House bill concurred in and returned to the House:** 1/25/2005

**HB 1**, introduced by Witt

**Senate bills** passed and transmitted to the House for concurrence: 1/25/2005

**SB 39**, introduced by Mangan  
**SB 57**, introduced by Laible  
**SB 76**, introduced by Laslovich  
**SB 95**, introduced by Roush  
**SB 97**, introduced by Barkus  
**SB 118**, introduced by Wheat  
**SB 120**, introduced by Keenan  
**SB 129**, introduced by Wheat  
**SB 142**, introduced by Tash  
**SB 164**, introduced by Gillan  
**SB 165**, introduced by Mangan  
**SB 175**, introduced by Cromley  
**SB 186**, introduced by Balyeat  
**SB 189**, introduced by Cocchiarella  
**SB 212**, introduced by Esp  
**SB 214**, introduced by Gebhardt  
**SB 215**, introduced by McGee

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 434**, introduced by Sales, referred to Fish, Wildlife and Parks.  
**HB 435**, introduced by Branae, Hiner, Wanzenried, Facey, Clark, Grinde, Callahan, Matthews, Windham, Wiseman, A. Olson, Williams, B. Olson, Small-Eastman, Lindeen, Gutsche, Cohenour, Bixby, Sesso, Gillan, Dowell, Raser, Laslovich, Campbell, Dickenson, Schmidt, Cooney, Gallus, Lenhart, Kitzenberg, Musgrove, Harrington, Cocchiarella, Bergren, Hanson, Hamilton, Parker, Becker, Moss, McAlpin, Driscoll, Golie, Tropila, Windy Boy, Toole, Wheat, Tester, Roush, Squires, Ellingson, Henry, Mangan, Noonan, Wilson, Jopek, Larson, Harris, Franklin, Weinberg, Warden, Ryan, Eaton, Arntzen, Groesbeck, Jacobson, Villa, Roberts, Lind, Furey, Brueggeman, Pease, Galvin-Halcro, referred to Education.  
**HB 436**, introduced by Himmelberger, Lange, Warden, McGillvray, referred to Local Government.  
**HB 437**, introduced by Caferro, referred to Human Services.  
**HB 438**, introduced by Buzzas, Lewis, referred to Education.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 9**, introduced by Barrett, B. Olson, Ripley, D. Brown, Himmelberger, Peterson, McNutt, Maedje, Rice, Stahl, Jackson, Lambert, Arntzen, Witt, Wagman, Heinert, A. Olson, Stoker, Butcher, Ward, MacLaren, Sonju, referred to Natural Resources.

Rep. Parker requested the House stand in recess until 1:35 p.m.  
Rep. Bergren stated the House Democrats will caucus.  
Rep. Lange stated the House Republicans will caucus.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 83** - Representative Campbell moved **HB 83** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: D. Brown, Everett, Lake, Mendenhall, Rice, Sales, Sonju, Wagman, Waitschies, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40** - Representative Harris moved **HB 40** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Excused: Furey.

Total 1

Absent or not voting: None.

Total 0

**HB 78** - Representative Harris moved **HB 78** do pass. Motion carried as follows:

Ayes: Anderson, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 96

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Noes: Rice, Sales, Wagman.  
Total 3

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 103** - Representative Driscoll moved **HB 103** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Maedje, Windy Boy.  
Total 2

**HB 146** - Representative Gallik moved **HB 146** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Hawk, Heinert, Hendrick, Jayne, Lake, Maedje, McNutt, Mendenhall, Rice, Ripley, Roberts, Sales, Taylor, Wagman, Wells, Witt.  
Total 21

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 167** - Representative MacLaren moved **HB 167** do pass. Motion carried as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Butcher, Glaser, Maedje.  
Total 3

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 185** - Representative Harris moved **HB 185** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Morgan, Rice.  
Total 2

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Glaser.  
Total 1

**HB 215** - Representative Caferro moved **HB 215**, do pass.

**HB 215** - Representative Jayne moved **HB 215**, second reading copy, be amended as follows:

1. Page 2, line 8.

**Following:** "agencies,"

**Insert:** "tribal governments,"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann,

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Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Malcolm.

Total 1

Excused: Furey.

Total 1

Absent or not voting: None.

Total 0

**HB 215** - Representative Caferro moved **HB 215**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, R. Brown, Butcher, Himmelberger, Rice, Sales, Sinrud, Wells.

Total 8

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: Henry.

Total 1

**HB 232** - Representative Noennig moved **HB 232** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Golie, Maedje, Sales.

Total 4

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 257** - Representative Branae moved **HB 257** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Clark moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Butcher, Mendenhall, Wagman.  
Total 3

Excused: Furey.  
Total 1

Absent or not voting: Gutsche, Ripley.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 49** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher,

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Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Buzzas.  
Total 1

Excused: Furey.  
Total 1

Absent or not voting: None.  
Total 0

**HB 113** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Dowell, Everett, Franklin, Gallik, Jayne, Juneau, Kaufmann, Klock, Koopman, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Rice, Ripley, Sales, Sinrud, Sonju, Wagman, Warden, Wells, Witt.  
Total 31

Excused: Furey.  
Total 1

Absent or not voting: None.  
Total 0

**HB 157** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Furey.  
Total 1

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Absent or not voting: Hendrick.

Total 1

**HB 161** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Sales, Sinrud.

Total 2

Excused: Furey.

Total 1

Absent or not voting: Jackson.

Total 1

**HB 174** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 65

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Himmelberger, Jackson, Jayne, L. Jones, Jopek, Koopman, Lake, Lambert, Lange, Maedje, McGillvray, McKenney, Mendenhall, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells.

Total 34

Excused: Furey.

Total 1

Absent or not voting: None.

Total 0

**HB 179** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Campbell.

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Total 1

Excused: Furey.

Total 1

Absent or not voting: Sales.

Total 1

**HB 191** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: McGillvray.

Total 1

Excused: Furey.

Total 1

Absent or not voting: None.

Total 0

**HB 196** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Andersen, Balyeat, Barrett, Everett, Gallik, Hawk, Heinert, Klock, Koopman, Lake, MacLaren, Maedje, McKenney, Mendenhall, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wells.

Total 26

Excused: Furey.

Total 1

Absent or not voting: None.

Total 0

**HB 209** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin,

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McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Furey.  
Total 1

Absent or not voting: None.  
Total 0

**HB 225** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Campbell, Gutsche.  
Total 2

Excused: Furey.  
Total 1

Absent or not voting: None.  
Total 0

**HB 316** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: R. Brown, Butcher, Koopman, Lake, Maedje, McGillvray, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Wagman.  
Total 13

Excused: Furey.  
Total 1

Absent or not voting: W. Jones.  
Total 1

**HB 162** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Butcher, Everett, A. Olson, Rice, Waitschies.  
Total 5

Excused: Furey.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Parker moved that HB 252 be moved from the Judiciary Committee to the House Appropriations Committee.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 30, HB 155. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Wednesday, January 26, 2005.  
Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



HOUSE JOURNAL  
TWENTIETH LEGISLATIVE DAY - JANUARY 26, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTIETH LEGISLATIVE DAY**

Helena, Montana  
January 26, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Ross. Pledge of Allegiance to the Flag.

Roll Call. All members present, Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/26/2005  
Correctly printed: **HB 40, HB 44, HB 78, HB 80, HB 83, HB 103, HB 127, HB 146, HB 167, HB 185, HB 257, HB 300, HB 339, HB 354, HJR 4.**  
Correctly engrossed: **HB 116, HB 153, HB 184, HB 215, HB 216, HB 255, HB 270, HB 302, HB 306, HB 318.**  
Correctly enrolled: **HB 1.**  
Examined by the sponsor and found to be correct: **HB 1.**  
Signed by the Chief Clerk of the House at 1:45 p.m., January 26, 2005: **HB 1.**  
Signed by the Speaker at 1:45 p.m., January 26, 2005: **HB 1.**

**TAXATION** (Waitschies, Chairman): 1/26/2005  
**HB 158**, do pass. Report adopted.  
**HB 283**, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman): 1/26/2005  
**HB 211**, do pass. Report adopted.  
**HB 244**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 1/26/2005

**SB 29**, introduced by Schmidt  
**SB 38**, introduced by Schmidt  
**SB 42**, introduced by Keenan  
**SB 44**, introduced by McGee  
**SB 46**, introduced by O'Neil  
**SB 94**, introduced by Cromley  
**SB 105**, introduced by Cobb

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 439**, introduced by Wiseman, referred to Taxation.  
**HB 440**, introduced by Wiseman, Cohenour, Roberts, Wanzenried, Warden, referred to Agriculture.  
**HB 441**, introduced by Wiseman, Wanzenried, Warden, referred to Business and Labor.  
**HB 442**, introduced by Maedje, referred to Local Government.  
**HB 443**, introduced by Maedje, referred to Transportation.  
**HB 444**, introduced by Maedje, referred to Local Government.  
**HB 445**, introduced by Maedje, referred to Transportation.  
**HB 446**, introduced by Maedje, referred to State Administration.  
**HB 447**, introduced by Gallik, referred to Appropriations.  
**HB 448**, introduced by Arntzen, Rice, Witt, MacLaren, Hendrick, referred to Education.  
**HB 449**, introduced by Gutsche, Henry, Caferro, Dickenson, Wilson, Facey, referred to Human Services.  
**HB 450**, introduced by Jopek, referred to Natural Resources.

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**HB 451**, introduced by Sonju, Windham, Harris, Roberts, Lange, McGillvray, Everett, Clark, Parker, Barkus, referred to Transportation.

**HB 452**, introduced by Windy Boy, Matthews, Hansen, Kitzenberg, Wiseman, Tester, Small-Eastman, Wanzenried, Parker, Bergren, Williams, Campbell, Gutsche, Dowell, Becker, Caferro, Pease, Roberts, Branae, Elliott, referred to Human Services.

**HB 453**, introduced by Furey, Buzzas, Henry, Musgrove, Hamilton, Gutsche, Hiner, referred to Natural Resources.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 10**, introduced by Jacobson, Musgrove, D. Brown, Cooney, Callahan, referred to Natural Resources.

**HJR 11**, introduced by Windy Boy, Wanzenried, Kitzenberg, Pease, Matthews, Parker, Wiseman, Campbell, Tester, Elliott, Bergren, Williams, Hansen, Dowell, Branae, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Peterson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 264** - Representative Windham moved **HB 264** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Koopman, Maedje, Malcolm, Mendenhall, Ripley, Sales, Warden, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 52** - Representative Cohenour moved **HB 52** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman.

Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

Total 53

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 70** - Representative Stahl moved **HB 70** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Callahan, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 71

Noes: Balyeat, Bixby, R. Brown, Buzzas, Caferro, Campbell, Clark, Cohenour, Eaton, Golie, Groesbeck, Jayne, Jent, Jopek, Juneau, Kaufmann, Koopman, Lenhart, Maedje, McAlpin, Rice, Ripley, Roberts, Sinrud, Stoker, Villa, Windham, Wiseman.  
Total 28

Excused: None.  
Total 0

Absent or not voting: Wagman.  
Total 1

**HB 187** - Representative Bergren moved **HB 187** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 254** - Representative Harris moved **HB 254** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 63

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wells, Witt, Mr. Speaker.  
Total 37

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 275** - Representative Jacobson moved **HB 275** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 224** - Representative Ross moved **HB 224** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Clark, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 91

Noes: Bixby, Buzzas, Campbell, Cohenour, Dowell, Gallik, Jopek, Juneau, Wiseman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Peterson moved the Committee of the Whole report be adopted.

**HB 52** - Representative Parker made a **substitute motion** that **HB 52** be segregated from the Committee of the Whole

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report and the remainder of the report be adopted. Motion carried.

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Gutsche, Peterson.  
Total 2

The motion to adopt the committee report passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Buzzas, Everett, Hawk, Hendrick, Koopman, Lake, Lambert, MacLaren, Maedje, McGillvray, McNutt, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Wells, Witt.  
Total 28

Excused: None.  
Total 0

Absent or not voting: Butcher, Himmelberger, Peterson, Small-Eastman.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 40** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 99

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 78** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 83** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Barrett, D. Brown, Everett, Hawk, Heinert, MacLaren, Maedje, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 103** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 146** passed as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Andersen, Arntzen, Barrett, R. Brown, Hawk, Heinert, Hendrick, Jayne, Maedje, Malcolm, McNutt, Mendenhall, Morgan, Rice, Roberts, Sales, Taylor, Wagman, Wells, Witt.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 167** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: MacLaren.

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Total 1

**HB 185** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: W. Jones.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 257** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 30** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 94

Noes: Maedje, Sales, Sinrud, Witt.



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Total 4

Excused: None.  
Total 0

Absent or not voting: Bixby, Lindeen.  
Total 2

**HB 155** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Balyeat, Campbell.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HB 264 be re-referred from Judiciary Committee to House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 52 be re-referred from 2nd Reading to Transportation Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Thursday, January 27, 2005. Motion carried.

House adjourned at 2:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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**HOUSE JOURNAL**  
**59TH LEGISLATURE**  
**TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
January 27, 2005

House Chambers  
State Capitol

House convened at 1:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth legislative days, find the same to be correct.

Barrett, Chair

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's Senator, the Honorable Max Baucus. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify the Honorable U.S. Senator Baucus that the body is in joint session and ready to receive his address. Motion carried.

Senator President Tester appointed Senator Cromley, Senator Curtiss, Representative Ripley, and Representative Musgrove to escort the Honorable U.S. Senator Baucus into the House Chamber.

The committee escorted U.S. Senator Baucus into the chambers.

The Invocation was given by Fr. Jerry Lowney, and Senate President Tester led the body in the Pledge of Allegiance.

Senate President Tester introduced U. S. Senator Max Baucus to the joint session. Senator Max Baucus made the following remarks:

"Speaker Matthews. President Tester. Minority Leader Keenan. Democratic Leader Wanzonried. Republican Leader Brown. Members of the 59th Legislative Assembly. And most importantly, our bosses, the people of Montana.

Thanks for inviting me. And thanks for your warm welcome as I come back to the Montana Legislature. It's been a long time since I've had the pleasure of serving with you and I'm deeply humbled to be back.

I can remember vividly coming to the Capitol to serve for the first time in 1973 as a Representative from Missoula. Representative Jopek, I do believe you are sitting at my old desk, sir. But I wouldn't worry – I don't intend to try to get it back!

When I came here, I was wide-eyed. Maybe a little intimidated. Possibly less around the waistline. Definitely fewer gray hairs! But most assuredly excited to help our state. To serve Montanans and do what's right.

That time shaped my views and reinforced my dedication to public service. And having served here only deepens my respect for everything you do. Believe me, I know how hard you work. I remember the long hours on the job and the challenges you face.

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I want to thank all of the state department directors and Montana's statewide elected leaders for being here today: Lt. Governor Bohlinger, State Auditor John Morrison, Superintendent of Public Instruction Linda McCullough, Secretary of State Brad Johnson, Attorney General Mike McGrath, Distinguished Members of the Supreme Court.

Before I continue, I want to take a minute to recognize the 1,182 brave Montana men and women who are serving our country in Iraq and Afghanistan.

I was proud to ride in the inaugural parade last week in Washington with Lance Corporal David Coleman from Butte. David was injured over there, and he really embodies the pride we all feel, the respect we all have for our men and women in uniform. We honor those who have been injured and those who are still over there.

And let us never forget the six men who paid the ultimate price defending freedom across the globe. Please stand with me and recognize the Montanans we've lost over there: Edward Saltz, 27, from Bigfork; Aaron Holleyman, 26, from Glasgow; Owen Witt, 20, from Sand Springs; Dean Pratt, 22, from Stevensville; Raleigh Smith, 21, from Troy; and Kristofer Stonesifer, 28, from Missoula. Thank you..

We honor all of the enlisted men and women. Air National Guard members. Army National Guard members. Army and Naval Reservists. We honor their service. And we renew our commitment to serve as well.

We're doing something a little different here today. This joint session is being broadcast live by our friends at Vision Net. That's the state-of-the-art Montana video conferencing company. For the first time ever, a legislative address is being broadcast to Glasgow and Hardin High Schools, as well as Flathead Valley Community College in Kalispell. Here's a big hello to all of you watching and listening in. And hello to the students from Helena High here today. You know, I was a Helena High Bengal too a few years ago.

Just as we use technology to bring our communities together as one, we as Montana's elected leaders must bring ourselves together to move Montana forward.

We need to work together to get those good-paying jobs. Boost our state's economy. Ensure our kids get a world-class education. And make sure all Montanans have access to quality, affordable health care.

I realize you face immense hurdles this session. You've got a long row to hoe yet. But we've all seen what working together and a little Montana can-do attitude can do. Let's just put the best interests of Montana first and come together to solve the problems facing our state. Do what's right for Montana.

I have my priorities in Washington, too, like: writing another robust highway bill that creates jobs in Montana; protecting Social Security from risky schemes and huge benefit cuts; making Washington fund its education mandates; staving off cuts to Medicaid and boosting agriculture and Main Streets across Montana.

But maybe one of the most pressing issues we face in Washington is also one we face here at home: skyrocketing health costs and growing numbers of uninsured. We have a health care crisis in Montana. We ignore it at our own peril. And that's the main thing I want to speak to today.

Our health care system is broken. It's the most expensive in the world by far. At about \$5,700 per person, we spend almost twice what Switzerland, the second-most expensive system does. And yet, forty-five million Americans lack health insurance. One out of every five Montanans can't afford health coverage. You've all heard the statistics. But people aren't just statistics.

The problems of the uninsured and rising costs require a shared solution. And not just one born in Washington or Helena. We need creative answers born of experience and the reality on the ground.

As the top Democrat on the Finance Committee, which has jurisdiction over many health care programs, you can bet I'm going to do my part. And I'm committed to helping you all do yours.

The rising cost of health care is a problem that transcends party politics. It's a problem that plagues Main Street businesses and working families across our state. And it's not just a problem for the poor, or the disabled, or the disenfranchised. Being able to afford the basic necessity of health care or emergency care when we need it, when

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our kids need it, is critical to moving Montana forward on every level. How can we expect to boost Montana's economy, create jobs and grow business here if we don't address this fundamental need for Montanans?

And being a small-business state, we have one of the lowest rates of employer-sponsored coverage in the country. Small businessmen I talk to tell me they either can't afford to provide their employees coverage, or they're having to scale it back. They want to help their loyal employees, but the bottom line just isn't there.

I'm standing here before you today, as a fellow public servant – urging you to work with me. This is a federal and state problem. So that means we're in this together.

Clearly, there's some good news for the state budget with the new tobacco money under I-149. Montanans provided a new mandate, and a fresh new revenue stream to begin to help tackle this critical problem.

As Montana leaders you could help be a model for other states. You could chart an innovative and new course for others to follow. But, you have to use those dollars wisely first. Montanans spoke loudly and clearly on this initiative. We shouldn't squander this historic opportunity to help our people. And so I urge you to carry out the will of Montanans and use those new dollars to help provide quality, affordable health care to those who need it most in our state.

I tip my hat to the health care community and Auditor John Morrison for proposing a broad new plan to use those dollars. That plan combines cutting tobacco use with boosting the CHIP program, giving small businesses a tax break for providing coverage, and providing prescription drugs to more Montanans.

I also commend Senator Tester and Representative Roberts for working to pass a new prescription drug bill, and Rep. Wanzonried for fighting to help small businesses.

I also ask that you approve Governor Schweitzer's budget proposal to increase state support for CHIP and take advantage of more federal Medicare dollars. And here's to Senators Keenan and Cob for their interest in enhancing Medicaid services.

Realizing this is a problem for all of us to help tackle, I'm pledging to do my part in Washington too. I'll bring something to the table as well. You know, I'm not a fan of the CHIP program. Nope, I'm not a fan. I'm a rabid, fanatic fan of the CHIP program! I was an original author of CHIP in 1997. I lobbied the Legislature, you folks, to put up the state's match in 1999. And I've long worked to boost Montana's share of CHIP funding, most recently a \$1.6 million bonus payment. So you could say that I have a personal interest in seeing CHIP serve even more kids.

I see so much opportunity, so much more we can do. And how can we pass up the federal dollars that come with Montana's match? As you know, every state dollar ends up generating about \$4 for the program, which provides health care to more than 10,000 needy kids. But we can and must do better to curb the rising number of uninsured.

That's why I have five steps for Congress to take.

- 1) Expand Medicaid coverage and the CHIP program.
  - 2) Give employers with fewer than fifty employees a federal tax credit for providing health insurance.
  - 3) Expand high risk pools – that's the insurer of last resort for those with pre-existing conditions or sky-high health care costs
  - 4) Let people buy into Medicare early, at age 55
  - 5) Make Medicaid work better for the states, strengthen it to meet today's challenges, and improve Indian health care.
- Real people With real problems

It's easy sometimes to get bogged down in the policy and the numbers. But we can never forget that there are real people with real problems behind all that data. I've seen firsthand how programs like Medicaid help save lives.

I'll never forget. It was when I walked across the state while running for the Senate in 1996. I was out near Sidney. It was a terrible storm. This lady comes racing past me, then slammed on her brakes. She was in an old pickup. She reversed back to me, rolled down her window. And read me the riot act about health care. She had been injured. I

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can't remember exactly what it was. But she couldn't work. She had two kids and no health insurance. I will never forget the desperation on her face. It's something I'll always remember.

There was also a single mother of two that called my office not too long ago. She was very ill and in desperate need of a heart procedure. But she was having a hard time cutting through the red tape to get on Medicaid. She didn't have much longer to live. We stepped in and got her covered under Medicaid. She got the procedure, which will let her and her kids have a normal life. If it wasn't for Medicaid, I can only imagine what would have happened.

These are just a few of the thousands of examples out there. I only mention these stories because I want to emphasize that these are real people with real problems. They just want to lead normal lives. They just want to be able to afford health care. Find good jobs. Send their kids to college.

In matters like these, we would all be wise to follow the example of our beloved U.S. Senator and my friend and mentor, Mike Mansfield. I know of no other person in public life and public service during our history whose services to our country and Montana have been greater than that of Senator Mansfield. "Our Mike" got things done. How did he do it? By working together."

Senate President Tester thanked U. S. Senator Baucus and directed the escort committee to escort U. S. Senator Baucus from the joint session.

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from U. S. Senator Baucus, be adjourned. Motion carried.

Joint session adjourned at 1:46 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/27/2005  
Correctly printed: **HB 158, HB 211, HB 244, HB 283.**  
Delivered to the Governor for approval at 11:30 a.m., January 27, 2005: **HB 1.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 1/27/2005  
**HB 199**, introduced bill, be amended as follows:

1. Title, line 9 through line 13.

**Strike:** "ELIMINATING" on line 9 through "POLICY;" on line 13

**Insert:** "REQUIRING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE INSTEAD OF THE ENVIRONMENTAL QUALITY COUNCIL TO MAINTAIN A CONTINUAL PROCESS TO DEVELOP THE COMPONENTS OF A COMPREHENSIVE STATE ENERGY POLICY;"

2. Title, line 14.

**Strike:** "50-60-203, AND 90-4-1001"

**Insert:** "90-4-1002, AND 90-4-1003"

**Strike:** "REPEALING SECTIONS 90-4-1002 AND 90-4-1003, MCA;"

3. Page 1, line 25 through page 3, line 1.

**Strike:** sections 2 and 3 in their entirety

**Insert:** "Section 2. Section 90-4-1002, MCA, is amended to read:

**"90-4-1002. Definitions.** As used in 90-4-1003, the following definitions apply:

(1) ~~"Council" means the environmental quality council established in 5-16-101~~ "Committee" means the energy and telecommunications interim committee established in 5-5-230.

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(2) "Department" means the department of environmental quality established in 2-15-3501."

**Insert:** "Section 3. Section 90-4-1003, MCA, is amended to read:

**"90-4-1003. Energy policy development process.** (1) The department and the ~~council~~ committee, in cooperation with the consumer counsel and the public service commission, shall maintain a continual process to develop the components of a comprehensive state energy policy.

(2) Because of limited state resources and the need to focus intensive effort on specific issues of importance, the development of a comprehensive state energy policy must occur on an incremental basis. As the need arises, the department, in cooperation with the appropriate state agencies and with extensive public involvement, shall identify and recommend to the ~~council~~ committee specific components of a state energy policy for development under the consensus process described in subsection (3).

(3) (a) Upon selection of a specific energy policy component, the ~~council~~ committee shall assign to a working group composed of representatives of the parties with a stake in that specific component the task of developing consensus recommendations for that component of state energy policy.

(b) The working group must include the broadest possible representation of stakeholders in the issues to be included within the specific component of state energy policy.

(c) Whenever possible, the working group shall use a consensus process to develop recommendations for a specific energy policy component to be submitted to the ~~council~~ committee. Recommendations that are not based upon consensus must be so noted by the working group. Upon consideration of the working group's recommendations, the ~~council~~ committee shall forward its recommendations to the legislature and to the appropriate state agencies for adoption.

(d) The department shall:

(i) provide staff support to the working group, including policy analysis, data gathering, research, technical analysis, and administrative support;

(ii) provide administrative coordination among the appropriate state agencies in the energy policy development process;

(iii) prepare reports for and make recommendations to the ~~council~~ committee; and

(iv) consult regularly with the ~~council~~ committee to coordinate each agency's activities.

(4) In carrying out their responsibilities under this section, the department and the ~~council~~ committee may contract with experts, consultants, and facilitators and may seek funding from a variety of private and public sources for technical and other assistance necessary to accomplish their responsibilities."

4. Page 3, line 3.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

1/28/2005

**HB 170**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 192**, introduced bill, be amended as follows:

1. Title, page 1, line 27 through line 29.

**Strike:** "INCREASING" on line 27 through "ENDORSEMENTS;" on line 29

2. Page 17, line 21 through line 25.

**Strike:** subsection (6)(b) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 273**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/27/2005

**SB 86**, introduced by Smith  
**SB 115**, introduced by Tester  
**SB 123**, introduced by Black  
**SB 178**, introduced by Barkus  
**SB 183**, introduced by Laible  
**SB 188**, introduced by Cocchiarella

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 454**, introduced by Peterson, Witt, McNutt, referred to Local Government.  
**HB 455**, introduced by Clark, Schmidt, Dickenson, Elliott, referred to Natural Resources.  
**HB 456**, introduced by Koopman, Hendrick, Maedje, John Balyeat, Wagman, Mendenhall, Himmelberger, Warden, Facey, Stahl, Roberts, Sinrud, Grimes, referred to Education.  
**HB 457**, introduced by Noennig, referred to Business and Labor.  
**HB 458**, introduced by Maedje, referred to Transportation.  
**HB 459**, introduced by Jent, Lind, referred to Agriculture.  
**HB 460**, introduced by Clark, Windy Boy, Elliott, Shockley, referred to Natural Resources.  
**HB 461**, introduced by Arntzen, Stapleton, referred to Business and Labor.  
**HB 462**, introduced by Buzzas, Franklin, referred to Human Services.  
**HB 463**, introduced by Facey, referred to Business and Labor.  
**HB 464**, introduced by Bergren, Tester, Lenhart, Parker, Dickenson, Ryan, Harris, Lindeen, Lambert, Matthews, Windham, Kitzenberg, Musgrove, Furey, Gutsche, Franklin, Driscoll, Jopek, Jones, Villa, Hiner, Groesbeck, Witt, referred to Agriculture.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 12**, introduced by Hamilton, Furey, Dickenson, Buzzas, Henry, Bergren, John Balyeat, Branae, McAlpin, Facey, Bergren, B. Olson, Jacobson, Cohenour, referred to Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HR 1** - Representative Parker moved **HR 1** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 44** - Representative Dickenson moved **HB 44** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 80** - Representative Campbell moved **HB 80** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: R. Brown, Butcher, Everett, Hawk, Heinert, Lake, Malcolm, McGillvray, Rice, Sales, Sonju, Wagman, Waitschies, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 116** - Representative Barrett moved **HB 116** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray,



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McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Bixby, Cohenour, Eaton.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 127** - Representative Mendenhall moved **HB 127** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 153** - Representative Noennig moved **HB 153** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Mendenhall, Sales, Sinrud.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 184** - Representative McAlpin moved **HB 184** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Koopman, Sinrud.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**HB 270** - Representative Lindeen moved **HB 270** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 76

Noes: Barrett, R. Brown, Butcher, Caferro, Everett, Hawk, Heinert, Hendrick, Himmelberger, Kaufmann, Koopman, Lambert, McGillvray, Morgan, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Butcher, Koopman, Sales, Wells.  
Total 4

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Excused: None.  
Total 0

Absent or not voting: Himmelberger, Keane, MacLaren.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 70** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, D. Brown, Buzzas, Callahan, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 71

Noes: Balyeat, Branae, R. Brown, Caferro, Campbell, Clark, Cohenour, Dowell, Eaton, Golie, Groesbeck, Jayne, Jent, Jopek, Kaufmann, Lange, McAlpin, Morgan, Rice, Ripley, Roberts, Sinrud, Villa, Waitschies, Ward, Windham, Wiseman.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Butcher, Gutsche.  
Total 2

**HB 187** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Ward.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 215** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro,

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Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Barrett, R. Brown, Everett, Himmelberger, Lake, MacLaren, McNutt, Mendenhall, Rice, Ripley, Sales, Wells, Witt.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 224** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

Total 91

Noes: Bixby, Caferro, Gallik, Jopek, Juneau, Kaufmann, Wilson, Wiseman.

Total 8

Excused: None.

Total 0

Absent or not voting: Henry.

Total 1

**HB 254** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Warden, Wells, Witt, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 275** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HB 270 be referred to the House Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, January 28, 2005. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana  
January 28, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Lambert. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Sinrud, excused. Quorum present.

Speaker Matthews, Democratic Leader Wanzonried, Democratic Floor Leader Parker, Republican Leader Brown, and Republican Floor Leader Lange addressed the body regarding the decorum in the House.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/28/2005  
Correctly enrolled: **HR 1**.  
Examined by the sponsor and found to be correct: **HR 1**.  
Signed by the Chief Clerk of the House at 2:25 p.m., January 28, 2005: **HR 1**.  
Signed by the Speaker at 2:26 p.m., January 28, 2005: **HR 1**.

Correctly printed: **HB 170, HB 273**.  
Correctly engrossed: **HB 192, HB 199**.

**AGRICULTURE** (Butcher, Chairman): 1/28/2005  
**HB 266**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 1/28/2005  
**HB 92**, introduced bill, be amended as follows:

1. Title, page 1, line 4.  
**Following:** "MUNICIPALITY"  
**Insert:** "OR A CONSOLIDATED GOVERNMENT"

2. Title, page 1, line 6.  
**Following:** "TECHNOLOGY;"  
**Strike:** "AMENDING" through "MCA;"

3. Page 1, line 11.  
**Following:** "Municipal"  
**Insert:** "or consolidated government"

4. Page 1, line 12.  
**Following:** "and"  
**Insert:** "15-10-425 and"

5. Page 1, line 13.  
**Following:** "municipality"  
**Insert:** "or a consolidated government"

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6. Page 1, line 14.

**Following:** "7-6-4421"

**Strike:** "and 7-6-4431"

7. Page 1, line 15.

**Following:** "distributed"

**Insert:** "only"

8. Page 1, line 16.

**Following:** "system"

**Insert:** "located within the jurisdiction of the governing body authorizing the levy"

9. Page 1, line 21 through page 2, line 8.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

10. Page 2, line 11.

**Following:** "Title" in two places

**Strike:** "20"

**Insert:** "7"

**Following:** "chapter" in two places

**Strike:** "25"

**Insert:** "6"

**Following:** "part" in two places

**Strike:** "4"

**Insert:** "44"

And, as amended, do pass. Report adopted.

**HB 218**, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

1/28/2005

**HB 71**, introduced bill, be amended as follows:

1. Title, line 4 through line 6.

**Strike:** "INDIVIDUALS" on line 4 through "ORIGINATOR" on line 6

**Insert:** "AN INDIVIDUAL WHO IS SEEKING LICENSURE AS A MORTGAGE BROKER AND WHO IS THE  
SOLE OWNER OF AN ENTITY SEEKING LICENSURE AS A MORTGAGE BROKER SHALL"

2. Title, line 7.

**Following:** "FEE;"

**Insert:** "CLARIFYING THAT A DESIGNATED MANAGER MUST BE AN INDIVIDUAL LICENSED AS A  
MORTGAGE BROKER;"

3. Title, line 7.

**Strike:** "SECTION 32-9-117"

**Insert:** "SECTIONS 32-9-117 AND 32-9-122"

4. Page 1, line 14.

**Strike:** "Except as provided in subsection (1)(b), a"

**Insert:** "A"

5. Page 1, line 17 through line 18.

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**Strike:** "sole" on line 17 through "originator" on line 18

**Insert:** "who is seeking licensure as a mortgage broker and who is the sole owner of an entity that is seeking licensure as a mortgage broker"

6. Page 1, line 21 through line 22.

**Strike:** "sole" on line 21 through "or" on line 22

**Insert:** "and"

7. Page 1, line 22 through line 23.

Following: "licensed as"

**Strike:** "a"

**Strike:** "broker" on line 22 through "originator" on line 23

**Insert:** "brokers. An individual described in subsection (1)(b) may act as a designated manager under 32-9-122 and is not subject to any additional license fees for acting in the capacity of a designated manager"

8. Page 1, following line 29.

**Insert:** "**Section 2.** Section 32-9-122, MCA, is amended to read:

**"32-9-122. Requirement for designated manager.** (1) A mortgage broker that is not a sole proprietorship shall designate to the department a an individual licensed as a mortgage broker within its organization as the designated manager of the organization.

(2) If the designated manager ceases to act in that capacity, within 15 days the mortgage broker shall designate another individual licensed as a mortgage broker as designated manager and shall submit information in writing to the department establishing that the subsequent designated manager is in compliance with the provisions of this part."

And, as amended, do pass. Report adopted.

**HB 381**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "INSURER"

**Insert:** "OR AN AUTHORIZED THIRD-PARTY EXAMINER"

2. Title, line 6 through line 8.

**Strike:** "PERMITTING" on line 6 through "CALL;" on line 8

3. Page 2, line 8.

**Strike:** "(a)"

**Following:** "insurer"

**Insert:** "or an authorized third-party examiner"

4. Page 2, lines 10 and 11.

**Strike:** subsection (b) in its entirety

And, as amended, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):

1/28/2005

**HB 317**, do pass. Report adopted.

**HB 397**, introduced bill, do pass and be placed on the consent calendar. Report adopted.



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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 465**, introduced by B. Olson, Hendrick, Lambert, Hamilton, Lenhart, D. Brown, Facey, Campbell, Malcolm, W. Jones, McAlpin, referred to State Administration.

**HB 466**, introduced by Noonan, Harrington, Harris, Parker, Gutsche, Jacobson, Bergren, Musgrove, referred to Business and Labor.

**HB 467**, introduced by Jent, Harris, Gallik, Lind, Wheat, referred to Business and Labor.

**HB 468**, introduced by Jent, Bergren, Harris, Gallik, Wheat, referred to Business and Labor.

**HB 469**, introduced by Sesso, Lindeen, Matthews, Mendenhall, Driscoll, Keenan, Noonan, Groesbeck, Gillan, Branae, R. Brown, Squires, Gallus, Keane, Brueggeman, A. Olson, referred to Business and Labor.

**HB 470**, introduced by Clark, Harris, Furey, Wanzenried, referred to Natural Resources.

**HB 471**, introduced by Ross, Wagman, Butcher, Hendrick, Wells, Lange, Heinert, McGillvray, Everett, Stoker, Stahl, W. Jones, Lambert, Taylor, Andersen, McNutt, Barrett, Ripley, Klock, Jackson, MacLaren, Sales, Lake, Shockley, referred to State Administration.

**HB 472**, introduced by MacLaren, Gutsche, referred to Taxation.

**HB 473**, introduced by Parker, Bergren, referred to Natural Resources.

**HB 474**, introduced by Buzzas, referred to Local Government.

**HB 475**, introduced by Buzzas, referred to Transportation.

**HB 476**, introduced by McAlpin, Facey, Groesbeck, Campbell, Dickenson, Bixby, Harris, Raser, Wanzenried, Branae, Cohenour, Henry, Hiner, Callahan, Buzzas, Windham, Eaton, Bergren, Caferro, , Kaufmann, Lenhart, Galvin-Halcro, Noonan, Dowell, Gutsche, Juneau, Small-Eastman, Becker, Clark, Lindeen, Furey, Matthews, Gallik, Driscoll, referred to Judiciary.

**HB 477**, introduced by Andersen, Lange, Ross, Stoker, referred to Fish, Wildlife and Parks.

**HB 478**, introduced by Warden, Jent, referred to Transportation.

**HB 479**, introduced by Hawk, Stoker, referred to Local Government.

**HB 480**, introduced by Wanzenried, Raser, Henry, referred to Local Government.

**HB 481**, introduced by Lindeen, referred to Business and Labor.

**HB 482**, introduced by Lindeen, Larson, Lake, Bergren, Tester, Essmann, Witt, Bales, Matthews, Maedje, Lange, Stahl, Ripley, Lewis, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 13**, introduced by Clark, Villa, Cohenour, Sales, Roush, Windy Boy, Smith, Raser, Facey, Wanzenried, McGee, Wheat, Windham, Gutsche, Golie, Jopek, Moss, Heinert, McKenney, Bergren, Gallik, Tester, R. Brown, Wells, Rice, Curtiss, Mangan, Williams, Tropila, Andersen, Harrington, Ellingson, Lindeen, Sinrud, Harris, Bergren, Eaton, Elliott, Hendrick, Shockley, Campbell, Perry, Kitzenberg, referred to Fish, Wildlife and Parks.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noonan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 300** - Representative Gallik moved **HB 300** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk,

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Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 302** - Representative Driscoll moved **HB 302** do pass.

**HB 302** - Representative Andersen moved **HB 302**, second reading copy, be amended as follows:

1. Page 2, line 16.

**Strike:** "in support of OR OPPOSITION TO"

**Insert:** "related to"

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 302** - Representative Driscoll moved **HB 302** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Sinrud, Small-Eastman, Villa,

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Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 306** - Representative Gallik moved **HB 306** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 93

Noes: Balyeat, Hawk, Koopman, Ripley, Sales, Wells, Witt.  
Total 7

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 318** - Representative McKenney moved **HB 318** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Becker, Butcher, Buzzas, Sales, Waitschies, Wells.  
Total 6

Voted Absentee: Sinrud, Aye.

Excused: None.

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Total 0

Absent or not voting: Noonan.

Total 1

**HB 158** - Representative McKenney moved **HB 158** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 211** - Representative Parker moved **HB 211** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat, W. Jones, McGillvray.

Total 3

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: Morgan.

Total 1

**HB 216** - Representative Caferro moved **HB 216** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert,

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Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Hawk, Jayne, Koopman, Rice, Sales, Wells.  
Total 6

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 244** - Representative Lambert moved **HB 244** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**HB 255** - Representative Roberts moved **HB 255** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

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Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 283** - Representative Jopek moved **HB 283** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noonan moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: Butcher, Koopman, Maedje, Sales, Wagman, Wells, Witt.  
Total 7

Excused: Sinrud.  
Total 1

Absent or not voting: Andersen, Clark, Sesso, Stahl, Stoker.  
Total 5

**THIRD READING OF BILLS**

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 44** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Sinrud.

Total 1

Absent or not voting: None.

Total 0

**HB 80** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: Butcher, Everett, Hawk, Heinert, Maedje, Malcolm, McGillvray, Rice, Waitschies.

Total 9

Excused: Sinrud.

Total 1

Absent or not voting: None.

Total 0

**HB 116** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

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Noes: Bixby, Campbell, Cohenour, Eaton.  
Total 4

Excused: Sinrud.  
Total 1

Absent or not voting: None.  
Total 0

**HB 127** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Sinrud.  
Total 1

Absent or not voting: Arntzen.  
Total 1

**HB 153** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Sinrud.  
Total 1

Absent or not voting: Arntzen.  
Total 1

**HB 184** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert,



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Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Wells.  
Total 1

Excused: Sinrud.  
Total 1

Absent or not voting: Hamilton.  
Total 1

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**MOTIONS**

Rep. Lange moved the House suspend Joint Rules 40 - 50, to allow a late bill draft from the Senate for a Joint Resolution for the Rotary Club's 100th Anniversary.

Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Golie, Himmelberger, Sales.

Total 3

Excused: Sinrud.

Total 1

Absent or not voting: Grinde, Hiner, McNutt.

Total 3

Rep. Bergren moved the House suspend the Rules to allow a late bill draft for a Joint Resolution on the Lewis and Clark Expedition in Montana.

Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Clark, Everett, Sales.

Total 3

Excused: Sinrud.

Total 1

Absent or not voting: L. Jones.

Total 1

Motion carried.

**UNFINISHED BUSINESS**

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Rep. Gallik requested the following sponsors be added to HB 447: Rep. Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, and Wiseman.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, January 29, 2005. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana  
January 29, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Grinde. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Jopek, Dickenson, Wagman, and Sinrud excused. Quorum present.

Speaker Matthews introduced the Honorary Pages: Carly Ryan, Great Falls and Sean Ryan, Great Falls. Speaker Matthews and the House thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/29/2005  
Correctly printed: **HB 218, HB 266, HB 274, HB 317.**  
Correctly engrossed: **HB 1, HB 92, HB 381.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 1/29/2005  
**HB 48**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "AND"

2. Title, line 6.  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 16.  
**Following:** "apply to"  
**Insert:** ": (i)"

4. Page 1, line 17.  
**Strike:** "or to"  
**Insert:** "; (ii)"  
**Following:** "facility"  
**Strike:** "."  
**Insert:** ";

5. Page 1.

**Following:** line 17  
**Insert:** "(iii) an associated facility for handling ash that is covered under a certificate issued under Title 75, chapter 20, at an electrical generation facility. This exclusion does not apply to a lateral expansion of an associated facility for handling ash if the lateral expansion is not covered under a certificate issued under Title 75, chapter 20.  
(iv) an ash disposal facility or structure at an electrical generating plant or facility if the disposal facility or structure was subject to a ground water discharge permit issued under Title 75, chapter 5, on [the effective date of this act]."

6. Page 1.  
**Following:** line 20

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**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):  
**HB 14**, introduced bill, be amended as follows:

1/29/2005

1. Title, line 5.

**Following:** "AUCTION"

**Insert:** "OR LOTTERY"

2. Title, line 6.

**Insert:** "AUCTION"

**Insert:** "OR LOTTERY"

3. Title, line 8.

**Strike:** "AND"

**Following:** "AUCTION"

**Insert:** "OR LOTTERY"

4. Title, line 9.

**Following:** "GOATS"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 13.

**Following:** "Auction"

**Insert:** "or lottery"

6. Page 1, line 14.

**Strike:** "male"

**Following:** "auction"

**Insert:** "or lottery"

7. Page 1, line 15.

**Following:** "auction"

**Insert:** "or lottery"

8. Page 1, line 15 through line 16.

**Following:** "organization" on line 15

**Strike:** remainder of line 15 through "focuses on" on line 16

**Insert:** "involved in"

9. Page 1, line 16.

**Following:** "auction"

**Insert:** "or lottery"

10. Page 1, line 17.

**Following:** "auction"

**Insert:** "or lottery"

11. Page 1, line 19.

**Following:** "auction"

**Insert:** "or lottery"

12. Page 1, line 21.

**Following:** "auction"

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**Insert:** "or lottery"

13. Page 1, line 26.

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 120**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "REVISING" on line 6 through "TESTING;" on line 8

2. Title, line 9 through line 11.

**Following:** "RELATED TO" on line 9

**Strike:** remainder of line 9 through "SAILBOATS, AND" on line 11

3. Title, line 13.

**Following:** "23-2-506,"

**Strike:** "23-2-523, 61-8-407,"

**Following:** "MCA;"

**Strike:** "REPEALING SECTION 23-2-535, MCA;"

4. Page 1, line 18 through page 6, line 12.

**Strike:** section 1 through section 7 in their entirety

**Renumber:** subsequent sections

5. Page 7, line 3.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

6. Page 7, line 15.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

7. Page 7, line 22 through page 10, line 2.

**Strike:** section 10 through section 11 in their entirety

**Renumber:** subsequent sections

8. Page 11, line 4.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

9. Page 11, line 9 through line 17.

**Strike:** section 13 through section 15 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 242**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "12"

**Insert:** "17"

**Strike:** "PURCHASE A"

**Insert:** "RECEIVE A FREE"

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2. Title, line 6.

**Strike:** "THE AGE WAIVER AND"

3. Page 2, line 17.

**Strike:** "twelve"

**Insert:** "seventeen"

4. Page 3, line 27.

**Strike:** "waive the age requirements for purchasing a hunting"

**Insert:** "issue a free resident or nonresident big game combination"

**Following:** "license"

**Strike:** "for"

**Insert:** ", as applicable, to"

5. Page 3, line 28.

**Strike:** "12"

**Insert:** "17"

6. Page 3, line 29.

**Strike:** "age waiver"

**Insert:** "free license"

7. Page 3, line 30.

**Strike:** "waiver"

**Insert:** "free license"

**Following:** "may be"

**Strike:** "extended"

**Insert:** "issued"

8. Page 4, line 1.

**Strike:** "license, not including any combination license or license issued through a drawing"

**Insert:** "season"

9. Page 4, line 5 through line 7.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

1/29/2005

**HB 46**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "HOMICIDE"

**Strike:** ";

**Insert:** "WHILE UNDER THE INFLUENCE; PROVIDING THAT ON THE FIRST THROUGH THIRD CONVICTION FOR DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE ALCOHOL CONCENTRATION, IF THE PERSON HAS A PRIOR CONVICTION OF VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE, THE PERSON SHALL BE PUNISHED AS PROVIDED IN 61-8-731 FOR A FOURTH OR SUBSEQUENT OFFENSE OF DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE ALCOHOL CONCENTRATION; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA;"

2. Page 1, line 10.

**Following:** "homicide"

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**Insert:** "while under influence"

3. Page 1, line 11.

**Following:** "homicide"

**Insert:** "while under the influence"

4. Page 1, line 12 through line 13.

**Strike:** "a state" on line 12 through "death" on line 13

**Insert:** "61-8-401 or 61-8-406"

5. Page 1, line 14.

**Following:** "homicide"

**Insert:** "while under the influence"

6. Page 1, line 15.

**Following:** "homicide"

**Insert:** "while under the influence"

7. Page 1, line 16.

**Strike:** "20"

**Insert:** "30"

**Following:** "both."

**Insert:** "Imposition of a sentence may not be deferred."

8. Page 1, line 17.

**Insert:** "Section 2. Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense. (1)**  
★ Except as provided in subsection (4), a person convicted of a violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and shall be punished by a fine of not less than \$300 or more than \$1,000. The initial 24 hours of the imprisonment term must be served in the county jail and may not be served under home arrest. The mandatory imprisonment sentence may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.

(2) ~~On~~ Except as provided in subsection (4), on a second conviction, the person shall be punished by a fine of not less than \$600 or more than \$1,000 and by imprisonment for not less than 7 days or more than 6 months. At least 48 hours of the imprisonment term must be served consecutively in the county jail and may not be served under home arrest. The imposition or execution of the first 5 days of the imprisonment sentence may not be suspended. Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of a chemical dependency treatment program by the person.

(3) ~~On~~ Except as provided in subsection (4), on the third conviction, the person shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$1,000 or more than \$5,000. At least 48 hours of the imprisonment term must be served consecutively in the county jail and may not be served under home arrest. The imposition or execution of the first 10 days of the imprisonment sentence may not be suspended. The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of a chemical dependency treatment program by the person.

(4) If the person has a prior conviction under [section 1], the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration.

**Insert:** "Section 3. Section 61-8-722, MCA, is amended to read:



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**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense. (1)**  
**~~A~~ Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than 10 days and shall be punished by a fine of not less than \$300 or more than \$1,000.**

**(2) ~~On~~ Except as provided in subsection (4), on a second conviction of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 5 days, to be served in the county jail and not on home arrest, or more than 30 days and by a fine of not less than \$600 or more than \$1,000. The imposition or execution of the first 5 days of the imprisonment sentence may not be suspended.**

**(3) ~~On~~ Except as provided in subsection (4), on a third conviction of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 10 days, to be served in the county jail and not on home arrest, or more than 6 months and by a fine of not less than \$1,000 or more than \$5,000. The imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.**

**(4) If the person has a prior conviction under [section 1], the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration.**

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 100**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

**Strike:** "REQUIRING" on line 4 through "WARRANT;" on line 6

2. Page 1, line 6.

**Following:** "PERSONS"

**Insert:** "AT SEARCHED PREMISES"

3. Title, page 1, line 8 through line 11.

**Strike:** "REQUIRING" on line 8 through "PREMISES;" on line 11

**Strike:** "SECTIONS 46-5-221, 46-5-227, AND"

**Insert:** "SECTION"

4. Page 1, line 16 through page 2, line 5.

**Strike:** section 1 through section 2 in their entirety

**Renumber:** subsequent section

5. Page 2, line 12 through line 14.

**Strike:** "The entry" on line 12 through "premises." on line 14

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/29/2005

**HB 102**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ACT"

**Insert:** "DEPOSITING FEES FROM THE REGISTRATION OF CERTAIN VEHICLES AND DRIVER'S LICENSES TO THE STATE GENERAL FUND;"

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2. Title, page 1, line 6.

**Following:** "AND"

**Strike:** "THE"

**Insert:** "A"

3. Title, page 1, line 7 through line 8.

**Strike:** "DEDICATED" on line 7 through "LICENSES" on line 8

**Insert:** "THE AMOUNTS REQUIRED TO PAY CERTAIN SUPPLEMENTAL BENEFITS UNDER THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM"

4. Title, page 1, line 8.

**Following:** "SECTIONS"

**Insert:** "15-1-122,"

**Following:** "17-7-502,"

**Insert:** "19-6-401, 19-6-404,"

5. Title, page 1, line 9.

**Strike:** "IMMEDIATE"

6. Page 1.

**Following:** line 12

**Insert:** "NEW SECTION. Section 1. State contribution for supplemental benefits -- statutory appropriation."

The state shall annually contribute to the pension trust fund the lump-sum amount determined by the board as required to pay benefits under 19-6-709. The amount is statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund."

**Insert:** "Section 2. Section 15-1-122, MCA, is amended to read:"

**"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) \$75,000 in fiscal year 2003;~~

~~(b)(a)~~ \$0 in fiscal years 2004 and 2005;

~~(c)(b)~~ \$3,050,205 in fiscal year 2006; and

~~(d)(c)~~ in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and

(ii) for vehicles registered or reregistered pursuant to 61-3-321:

(A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and

(B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle and quadricycle;

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and

- (C) \$7.50 for each permanently registered light vehicle;
- (c) to the department of fish, wildlife, and parks:
- (i) \$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;
- (ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;
- (iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;
- (iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;
- (v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;
- (vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and
- (vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;
- (d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459;
- ~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~
- ~~—— (i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~
- ~~—— (ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~
- ~~—— (f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;~~
- ~~(g)(f) to the search and rescue account provided for in 10-3-801:~~
- (i) \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;
- (ii) \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and
- (iii) \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and
- ~~(h)(g) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).~~
- (4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.
- (5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

**Renumber:** subsequent sections

7. Page 1, line 26.

**Following:** "19-3-319;"

**Insert:** "19-6-404; [section 1];"

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8. Page 1, line 29.

**Strike:** "61-3-527" through "61-5-121;"

9. Page 2.

**Following:** line 14

**Insert:** "**Section 4.** Section 19-6-401, MCA, is amended to read:

**"19-6-401. Payments into pension trust fund.** There is a pension trust fund for the payment of benefits under the retirement system. All appropriations made by the state, all contributions by members, in the amount specified, and all interest on and increase of earnings from the investments and investment of money under in this pension trust fund, all fees or portions of fees that are required by law to be paid to the retirement system or trust fund, and a portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121 must be deposited in the pension trust fund."

**Insert:** "**Section 5.** Section 19-6-404, MCA, is amended to read:

**"19-6-404. State's contribution -- statutory appropriations.** The state of Montana shall ~~annually~~ contribute to the pension trust fund an amount equal to 36.33% of the total compensation paid to the members from the following sources:

(1) an amount equal to 26.15% of the total compensation of the members, which is payable, as appropriated by the legislature, from the same source that is used to pay compensation to the members; and

(2) an amount equal to 10.18% of the total compensation of the members, which is payable from a portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121 statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund."

**Renumber:** subsequent sections

10. Page 3, lines 1 and 2.

**Strike:** "of fees"

**Following:** "~~transferred~~"

**Insert:** "statutorily"

**Following:** "appropriated"

**Strike:** "to" on line 1 through "61-3-562(1)(b)" on line 2

**Insert:** "under [section 1]"

11. Page 3, line 17.

**Strike:** "\$40"

**Insert:** "\$41.25"

12. Page 4, line 14 through line 19.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

13. Page 4, lines 21 and 22.

**Strike:** "(Subsection" on line 21 through "2001.)" on line 22

14. Page 4, line 29.

**Strike:** "\$50"

**Insert:** "\$51.25"

15. Page 5, line 1.

**Strike:** "\$130"

**Insert:** "\$131.25"

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16. Page 5, line 8 through line 13.  
**Strike:** subsection (4) in its entirety

17. Page 5, line 17.  
**Strike:** "(1)(c)"  
**Insert:** "(1)(b)"

18. Page 5, line 18.  
**Strike:** "\$50"  
**Insert:** "\$52"

19. Page 5, line 28 through page 6, line 3.  
**Strike:** subsection (b) in its entirety  
**Renumber:** subsequent subsection

20. Page 6, line 20.  
**Strike:** "\$50"  
**Insert:** "\$52"

21. Page 6, line 28 through line 29.  
**Strike:** "(Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

22. Page 7, line 5 through line 11.  
**Strike:** subsection (a) in its entirety  
**Renumber:** subsequent subsections

23. Page 7, line 15.  
**Strike:** "(1)(b)(i)"  
**Insert:** "(1)(a)(i)"

24. Page 7, line 19.  
**Strike:** "(1)(c)(i)"  
**Insert:** "(1)(b)(i)"

25. Page 7, line 23.  
**Strike:** "(1)(b)(ii)"  
**Insert:** "(1)(a)(ii)"  
**Strike:** "(1)(c)(ii)"  
**Insert:** "(1)(b)(ii)"

26. Page 7, line 24.  
**Strike:** "54.5% "  
**Insert:** "76.8% "  
**Strike:** "62.5% "  
**Insert:** "87.5% "

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27. Page 8, line 4.

**Strike:** "(1)(b)(i)"

**Insert:** "(1)(a)(i)"

**Strike:** "(1)(c)(i)"

**Insert:** "(1)(b)(i)"

28. Page 8, line 6 through line 7.

**Strike:** "account" on line 6 through "(1)(a)" on line 7

**Insert:** "state traffic education account established in 20-7-504, the state motorcycle safety account established in 20-25-1002"

29. Page 8, line 8 through line 9.

**Strike:** "(1)(a)" on line 8 through "(1)(g)" on line 9

**Insert:** "(1)(c) through (1)(f)"

30. Page 8, line 12 through line 13.

**Strike:** "account" on line 12 through "(1)(a)"

**Insert:** "state traffic education account established in 20-7-504, the state motorcycle safety account established in 20-25-1002"

31. Page 8, line 15.

**Strike:** "(1)(a)" through "(1)(g)"

**Insert:** "(1)(a)(ii), (1)(b)(ii), and (1)(c) through (1)(f)"

32. Page 8.

**Following:** line 15

**Insert:** "NEW SECTION. Section 11. Transfer of funds. On [the effective date of this act], the balance of money remaining in the state special revenue account for the highway patrol officers' retirement pension trust fund that was contained in 61-5-121 must be transferred to the state general fund."

**Insert:** "NEW SECTION. Section 12. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 19, chapter 6, part 4, and the provisions of Title 19, chapter 6, part 4, apply to [section 1]."

**Renumber:** subsequent sections

33. Page 8, line 17.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2005"

34. Page 8, lines 19 and 20.

**Following:** "19-6-709" on line 19

**Strike:** ", " on line 19 through "17-7-502" on line 20

**Insert:** "and [section 1]"

And, as amended, do pass. Report adopted.

**HB 239**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

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**SB 150**, introduced by Keenan  
**SB 171**, introduced by Gallus  
**SB 182**, introduced by Gillan

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 483**, introduced by Bergren, Galvin-Halcro, Villa, Noonan, Lange, A. Olson, Parker, Tropila, Matthews, Wilson, Harrington, Golie, referred to Business and Labor.  
**HB 484**, introduced by L. Jones, Wanzenried, Butcher, Windham, Lambert, referred to Business and Labor.  
**HB 485**, introduced by Himmelberger, referred to Taxation.  
**HB 486**, introduced by Gallik, referred to Fish, Wildlife and Parks.  
**HB 487**, introduced by Gallik, referred to Fish, Wildlife and Parks.  
**HB 488**, introduced by Gallik, referred to State Administration.  
**HB 489**, introduced by Gallik, referred to Agriculture.  
**HB 490**, introduced by Stoker, Hendrick, Wanzenried, Everett, Hawk, Lange, R. Brown, Jacobson, Windham, Bergren, Wilson, McGillvray, Stahl, Maedje, Mendenhall, referred to State Administration.  
**HB 491**, introduced by Bixby, referred to Natural Resources.  
**HB 492**, introduced by Morgan, referred to Transportation.  
**HB 493**, introduced by Noonan, Parker, Gallus, Eaton, Sesso, A. Olson, Keane, Harrington, Golie, Andersen, referred to Business and Labor.  
**HB 494**, introduced by Franklin, Henry, Parker, Ellingson, Schmidt, Caferro, referred to Business and Labor.  
**HB 495**, introduced by Koopman, Curtiss, Heinert, referred to Taxation.  
**HB 496**, introduced by Franklin, Villa, Grinde, Cohenour, Gallik, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 14**, introduced by Furey, referred to Business and Labor.

Dem. Floor Leader Parker requested the House stand in recess until 8:30 a.m.  
Rep. Floor Leader Lange announced House Republicans will caucus.  
Dem. Whip Bergren announced House Democrats will caucus.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 339** - Representative Facey moved **HB 339** do pass.

**HB 339** - Representative Facey moved **HB 339**, second reading copy, be amended as follows:

1. Page 2, lines 1 through 3.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsection

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sales, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Balyeat, Glaser, Hendrick, Maedje, Malcolm, Mendenhall, Rice, Roberts, Sonju, Stahl, Stoker, Wagman, Ward.  
Total 13

Voted Absentee: Wagman, No.

Excused: Dickenson, Jopek, Sinrud.  
Total 3

Absent or not voting: None.  
Total 0

**HB 339** - Representative Facey moved **HB 339**, as amended, do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Voted Absentee: Dickenson, Jopek, Ayes; Sinrud, Wagman, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 354** - Representative Noennig moved **HB 354** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99



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Noes: Jayne.  
Total 1

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 4** - Representative Peterson moved **HJR 4** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 199** - Representative A. Olson moved **HB 199** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 273** - Representative Lambert moved **HB 273** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 266** - Representative Rice moved **HB 266** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 274** - Representative Peterson moved **HB 274** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson,

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Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Everett, Himmelberger, Jayne, Koopman, Sales.  
Total 5

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 317** - Representative Hamilton moved **HB 317** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Balyeat, Stoker.  
Total 2

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted.

Rep. Leader R. Brown made a **substitute motion** that **HB 339** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Balyeat, D. Brown, Everett, Himmelberger, Koopman, McNutt, Ripley, Sales, Sonju, Stahl.  
Total 10

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Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: Harris, Wilson.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 158** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Keane.  
Total 1

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: Harris.  
Total 1

**HB 211** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: MacLaren.  
Total 1

**HB 216** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Everett, Hawk, Jayne, Koopman, MacLaren, Rice, Sales, Wells.  
Total 8

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 244** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 255** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

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**HB 283** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: Campbell.  
Total 1

**HB 300** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Sales.  
Total 1

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 302** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Milburn, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Waitschies, Warden, Wells, Witt.  
Total 44

Excused: Dickenson, Jopek, Sinrud, Wagman.

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Total 4

Absent or not voting: None.

Total 0

**HB 306** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Balyeat, Barrett, D. Brown, Buzzas, Everett, Hawk, Koopman, Ripley, Sales, Wells.

Total 10

Excused: Dickenson, Jopek, Sinrud, Wagman.

Total 4

Absent or not voting: None.

Total 0

**HB 318** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 88

Noes: Becker, Butcher, Buzzas, Everett, Sales, Waitschies, Wells, Wiseman.

Total 8

Excused: Dickenson, Jopek, Sinrud, Wagman.

Total 4

Absent or not voting: None.

Total 0

**MOTIONS**

Rep. Facey moved that HB 339 be re-referred from the Committee of the Whole to the Business and Labor Committee. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 170 There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, January 31, 2005. Motion carried.

House adjourned at 9:53 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
January 31, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wells. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Parker, excused. Quorum present.

Speaker Matthews introduced the following pages: Katie Armstrong, Billings; Sarah Crain, Butte; Rachel Gundlach, Fairfield; Blake Mendenhall, Clancy; Melissa Mendenhall, Clancy; Dillon Steinmetz, Livingston; Abbey Tate, Bozeman; and Allyssa Woodwick, Havre.

Dem. Leader Wanzenried requested the House stand in recess until 1:30 p.m. The House Democrats and the House Republicans announced caucuses.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/31/2005  
Correctly printed: **HB 170, HB 239.**  
Correctly engrossed: **HB 14, HB 46, HB 102, HB 242.**

**HUMAN SERVICES** (Becker, Chairman): 1/31/2005  
**HB 183**, introduced bill, be amended as follows:

1. Page 3, line 3.  
**Strike:** "53-2-301"  
**Insert:** "52-2-301"

And, as amended, do pass. Report adopted.

**HB 206**, introduced bill, be amended as follows:

1. Title, page 1, line 9.  
**Strike:** "BE PAID FOR BY THE PETITIONERS"  
**Insert:** "ARE"

2. Page 6, line 21.  
**Following:** "drilling"  
**Insert:** ", unless the well is regulated pursuant to Title 82, chapter 11"

3. Page 7, line 6 through line 7.  
**Strike:** "The" on line 6 through "study." on line 7

And, as amended, do pass. Report adopted.

**HB 327**, introduced bill, be amended as follows:

1. Title, line 4.  
**Following:** "ACT"

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**Insert:** "REVISING SILICOSIS BENEFITS;"

2. Title, line 6.

**Following:** "BENEFITS;"

**Insert:** "AMENDING SECTIONS 39-73-101, 39-73-103, 39-73-104, 39-73-107, AND 39-73-109, MCA;"

3. Page 1, line 9.

**Following:** the enacting clause

**Insert:** "Section 1. Section 39-73-101, MCA, is amended to read:

"39-73-101. **Definitions.** (1) "Examining board" ~~shall mean~~ means a well-qualified physician or physicians, as designated by the department of labor and industry.

(2) The term "gainful occupation" ~~as used herein, shall~~ may not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential but ~~shall mean~~ means any person having an income from any other source exceeding ~~\$150~~ \$300 per month.

(3) "Payments" means money payments to persons having silicosis ~~as herein defined~~.

(4) "Silicosis" means a fibrotic condition of the lungs due to the inhalation of silica dust."

**Insert:** "Section 2. Section 39-73-103, MCA, is amended to read:

"39-73-103. **Conformity with acts of federal government.** If the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, the department of labor and industry is authorized to administer the grants-in-aid and payments in addition to grants made by this chapter. The total payments to any individual under this chapter may not exceed ~~\$250~~ \$300 a month, exclusive of any grants made by congress."

**Insert:** "Section 3. Section 39-73-104, MCA, is amended to read:

"39-73-104. **Eligibility requirements for benefits.** Payment ~~shall~~ must be made under this chapter to any person who:

(1) has silicosis, as defined in 39-73-101, ~~which that~~ results in ~~his~~ the person's total disability so as to render it impossible for ~~him~~ the person to follow continuously any substantially gainful occupation;

(2) has resided in and been an inhabitant of the state of Montana for 10 years or more immediately preceding the date of the application;

(3) is not receiving, with respect to any month for which ~~he~~ the person would receive a payment under this chapter, compensation under ~~The the~~ Occupational Disease Act of Montana, as provided by chapter 72 of this title, ~~which will~~ equal to the sum of ~~\$200~~ \$300."

**Insert:** "Section 4. Section 39-73-107, MCA, is amended to read:

"39-73-107. **Amount of payments.** Subject to the provisions of this chapter and the deductions provided in this chapter, any person who has silicosis and who has, subject to the regulations and standards of the department of labor and industry, been determined by the department to be entitled payment under this chapter for silicosis must be granted a payment by the department of ~~\$250~~ \$300 a month, subject to any additional appropriations. If the person is receiving payments under the Occupational Disease Act of Montana, as provided by chapter 72 of this title, that are less in the aggregate than ~~\$200~~ \$300, then the person is entitled to a payment under this chapter of the difference between the amount received under the Occupational Disease Act of Montana, as provided by chapter 72 of this title, and ~~\$250~~ \$300 a month. The legislature shall authorize additional appropriations that may be necessary to make the increased monthly payments provided in this section."

**Insert:** "Section 5. Section 39-73-109, MCA, is amended to read:

"39-73-109. **Payment of benefits to surviving spouse.** (1) Upon the death of a person receiving payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as the spouse remains unmarried, is entitled to receive the payments granted the deceased spouse.

(2) A person who otherwise is qualified to receive payments under subsection (1) but whose spouse died prior to March 14, 1974, is eligible to begin receiving ~~\$150~~ \$300 a month. ~~However, a person is not eligible for these payments if the spouse's taxable income is \$6,800 or more a year."~~

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

1/31/2005

HB 57, introduced bill, be amended as follows:

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1. Page 16, line 19.  
Following: "individual"  
Strike: "or"  
Insert: ", "

Clerical error - Amendment #1 deleted (should have been removed when other amendments were segregated in Natural Resources Standing Committee meeting of 1/31/2005).

2. Page 16, line 24.  
Following: "sole"  
Strike: "judicial"

3. Page 16, line 26.  
Following: "Claims"  
Insert: "must be submitted on a form approved by the department and"

4. Page 16, line 27.  
Following: "obtained."  
Insert: "Receipts for service must be included with the claim."

5. Page 16, line 29.  
Strike: "state" through "action"  
Insert: "private response"

6. Page 16, line 30.  
Strike: "Prior" through "part,"  
Insert: "At the time the department conducts the good faith investigation required under 75-10-745,"

7. Page 17, line 2 through line 3.  
Following: "in" on line 2  
Strike: remainder of line 2 through "recovery" on line 3  
Insert: "an"

8. Page 17, line 11.  
Insert: "(3) The potentially liable person may question whether the claimant has selected a reasonable alternative and may provide information to the department documenting its conclusions as to why a selected alternative is not reasonable. The department may use this information to adjust the claim."  
Renummer: subsequent subsections

9. Page 17, lines 17 and 18.  
Strike: ", must" on line 17 through "percentages" on line 18  
Insert: "for each claim, must be paid in the same proportion as the proportion of the total amount sought in the complaint or order bears to the amount recovered"

10. Page 17, line 19.  
Following: "interest."  
Insert: "Interest accrues at the rate prescribed in 25-9-205 upon approval of the claim by the department."

11. Page 17, line 25.  
Insert: "(9) The department is not liable for reimbursing a liable or potentially liable person under 75-10-715 for a claim that is later determined to have been fraudulent or noncertifiable and is not responsible for seeking reimbursement of the claim from the claimant. The person who paid the claim may seek reimbursement from the claimant."

12. Page 20, line 11  
Strike: "6(7)"

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Insert: "6(8)"

13. Page 20, line 12.

Strike: "and" through "costs"

14. Page 20, lines 13 and 14.

Strike: "and" on line 13 through "costs" on line 14

Following: "department" on line 14

Insert: "and may require the payment of private response costs, including interest"

15. Page 20, line 22

Strike: "6(7)"

Insert: "6(8)"

16. Page 22, lines 14 and 15.

Strike: ":" on line 14 through "(i)" on line 15

17. Page 22, line 15 through line 16.

Strike: "or" on line 15 through "costs;" on line 16

18. Page 22, line 19.

Strike: "and" through "costs"

19. Page 23, line 3.

Following: "expenses."

Insert: "However, if all the state's remedial action costs, interest, and penalties, if any, are paid by the liable person and the only outstanding costs are private response costs, the department is not required to bring an action to recover the private response costs."

And, as amended, do pass. Report adopted.

**HB 206**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "BE PAID FOR BY THE PETITIONERS"

**Insert:** "ARE"

2. Page 6, line 21.

**Following:** "drilling"

**Insert:** ", unless the well is regulated pursuant to Title 82, chapter 11"

3. Page 7, line 6 through line 7.

**Strike:** "The" on line 6 through "study." on line 7

And, as amended, do pass. Report adopted.

**HB 236**, introduced bill, be amended as follows:

1. Page 2, line 24.

**Following:** "report to"

**Strike:** "the" through "periodically"

**Insert:** ":

(i) the department on a periodic basis;

(ii) the environmental quality council annually; and

(iii) the natural resources and commerce appropriations subcommittee each legislative session"

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And, as amended, do pass. Report adopted.

**TAXATION** (Waitschies, Chairman):  
**HB 171**, introduced bill, be amended as follows:

1/31/2005

1. Page 1, line 17.  
**Following:** "50"  
**Insert:** "App."

And, as amended, do pass. Report adopted.

**HB 227**, introduced bill, be amended as follows:

1. Title, page 1, line 4.  
**Strike:** "ALLOWING"  
**Insert:** "REVISING THE"

2. Title, page 1, line 5 through line 7.  
**Strike:** "NATIONAL" on line 5 through "TO" on line 6  
**Insert:** "MILITARY WHO IS ON"  
**Strike:** "IN" on line 6 through "CONGRESS" on line 7  
**Insert:** "OR HOSPITALIZED FOR DUTY-RELATED INJURIES OR ILLNESS, INCLUDING MEMBERS OF  
THE NATIONAL GUARD AND ARMED FORCES RESERVES  
**Following:** "CONGRESS;"  
**Insert:** "CLARIFYING THE NOTIFICATION REQUIREMENT TO THE COUNTY TREASURER;"  
  
**Strike:** "SECTION" on line 7  
**Insert:** "SECTIONS 10-1-606,"  
**Following:** "15-16-102," on line 7  
**Insert:** "AND 15-24-202,"

3. Page 1, line 11 through page 1, line 26.  
**Strike:** section 1 in its entirety  
**Insert:** "Section 1. Section 10-1-606, MCA, is amended to read:  
"10-1-606. Suspension of property taxes for persons in military service. (1) All taxes, whether on real or personal property, due on property owned by ~~any citizen a resident of the state of Montana in the active military or naval service of the United States shall~~, as defined by section 511 of the Servicemembers Civil Relief Act, 50 App. U.S.C. 511, as amended, ~~must be held in abeyance suspended; no proceedings~~ Proceedings may not be taken for the collection thereof, of the taxes and no penalties or interests shall be added thereto until the expiration of the period of 1 year from and after the cessation of hostilities or discharge from military or naval service interest may not accrue until 1 year after the taxpayer is released from active duty. If the taxpayer was wounded, injured, or suffered a disease while serving in a combat zone or participating in a contingency operation, as described in 26 U.S.C. 7508, that is serious enough to require hospitalization, proceedings may not be taken and penalties or interest may not accrue until 1 year after the taxpayer's release from the hospitalization.  
(2) To obtain the benefits of this section, ~~it shall be necessary for some person, on behalf of such person in the military or naval service, to the qualified taxpayer or a co-owner of the property or agent of the taxpayer shall file with the treasurer of the proper county an affidavit to the effect stating that the person against whom such the taxes are charged imposed is in such active military or naval service; which The affidavit must be filed at on or before the time when such that taxes would become delinquent; and upon the filing thereof the The county treasurer shall make a notation upon his records to the effect record that the collection of such the taxes is suspended on account because of the military or naval service of such the taxpayer. But nothing in this This section shall may not be so construed as to prevent such the county treasurer from receiving payment of any such taxes whenever offered.~~""

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4. Page 1, line 30.

**Following:** the first "of"

**Insert:** "10-1-606 or"

5. Page 2, line 19 through line 21.

**Strike:** subsection (c) in its entirety

6. Page 3, line 6 through line 7.

**Strike:** section 3 in its entirety

**Insert:** "Section 3. Section 15-24-202, MCA, is amended to read:

**"15-24-202. Payment of tax -- interest and penalty -- display of tax-paid sticker.** (1) (a) The owner of a mobile home, manufactured home, or housetrailer ~~which~~ that is not taxed as an improvement, as improvements are defined in 15-1-101, shall pay the personal property tax in two payments, except as provided in 10-1-606 or 15-24-206.

(b) The first payment is due on or before May 31 or within 30 days from the date of the notice of taxes due, whichever is later.

(c) The second payment is due no later than November 30 of the year in which the property is assessed.

(d) If not paid on or before the date due, the tax is considered delinquent and subject to the penalty and interest provisions in 15-16-102 applicable to other delinquent property taxes. The penalty must be assessed and interest begins to accrue on the first day of delinquency.

(2) Upon request, the treasurer shall notify a lienholder if taxes on a mobile home, manufactured home, or housetrailer have not been paid.

(3) Taxes assessed against a mobile home or manufactured home after the second payment date must be prorated to reflect the remaining portion of the tax year. The prorated taxes must be added to the following year's tax roll and, except as provided in 15-24-206, are due with and must be collected with the first payment due in that year.

(4) The department of revenue shall issue tax-paid stickers to the county treasurers. Except as provided in 15-24-206 and 15-24-209, if a mobile home, manufactured home, or housetrailer is to be moved and all taxes, interest, and penalties on the mobile home or housetrailer are paid in full, the treasurer shall issue a tax-paid sticker to the owner of the mobile home, manufactured home, or housetrailer. Prior to and while in the process of moving the mobile home, manufactured home, or housetrailer, the owner shall display the tax-paid sticker, which must be visible from the exterior of the mobile home, manufactured home, or housetrailer. A mobile home or manufactured home movement declaration of destination provided for in 15-24-206 may not be issued unless:

(a) the taxes have been paid in full to the county treasurer; or

(b) the exceptions in 15-24-206(3) or 15-24-209 apply.

(5) On the movement of a mobile home, manufactured home, or housetrailer in violation of this part, the county treasurer for the county where the mobile home, manufactured home, or housetrailer first comes to rest shall issue a written notice to the owner, showing the amount of delinquent taxes, special assessments, penalties, and interest due. In addition to the penalties provided in 15-16-102, 20% or \$50, whichever is greater, must be added to the delinquent taxes as penalty for violation of this part. On receipt of the delinquent taxes, special assessments, penalties, and interest, the county treasurer shall forward all delinquent taxes, special assessments, penalties, and interest collected under 15-16-102 to the county treasurer for the county of origin. The county of destination shall retain the penalty. ""

And, as amended, do pass. Report adopted.

**HB 320**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "ASSESS"

**Insert:** ", UPON APPROVAL OF THE ELECTORS,"

2. Title, page 1, line 5.

**Following:** "FACILITIES;"

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**Insert:** "PROVIDING THAT THE FEE MAY NOT BE ASSESSED ON A HOUSEHOLD IN A PLANNED UNIT DEVELOPMENT;"

3. Title, page 1, line 7 through line 8.

**Strike:** "REQUIRING" on line 7 through "TAXPAYERS;" on line 8

4. Page 1, line 15.

**Strike:** "(a)"

5. Page 1, line 20 through line 23.

**Strike:** subsections (b) and (c) in their entirety

6. Page 1, line 24.

**Following:** "(a)"

**Insert:** "(i) Subject to subsections (2)(a)(ii) and (2)(d), the board of county commissioners may assess a fee on each household within the county for the purposes enumerated in subsection (1). As used in this section, "household" means a single residence or a multiunit residence, regardless of the number of units. A household does not include a single residence or a multiunit residence in a planned unit development as defined in 76-3-103.

(ii)"

7. Page 1, line 25.

**Strike:** "or the household fee"

**Following:** "(1)"

**Insert:** "or the household fee provided in subsection (2)(a)(i)"

8. Page 2.

**Following:** line 1

**Insert:** "(d) The board of county commissioners may not levy a tax and assess a household fee at the same time."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/31/2005

**SB 8**, introduced by Roush

**SB 45**, introduced by Harrington

**SB 149**, introduced by Laslovich

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 497**, introduced by Wells, Koopman, referred to Business and Labor.

**HB 498**, introduced by Small-Eastman, referred to Local Government.

**HB 499**, introduced by Small-Eastman, referred to Appropriations.

**HB 500**, introduced by Gutsche, Shockley, Bixby, Wheat, referred to State Administration.

**HB 501**, introduced by Bixby, Wheat, Malcolm, referred to Natural Resources.

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**HB 502**, introduced by Wiseman, Lenhart, Warden, Branae, Harris, A. Olson, Furey, Klock, Groesbeck, referred to Business and Labor.

**HB 503**, introduced by Wanzenried, Raser, Henry, referred to Local Government.

**HB 504**, introduced by Keane, referred to Transportation.

**HB 505**, introduced by Matthews, referred to Appropriations.

**HB 506**, introduced by Lindeen, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 60**, introduced by Esp, referred to Human Services.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 71** - Representative Lake moved **HB 71** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Parker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 100** - Representative Maedje moved **HB 100** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Furey, Gallik, Glaser, Golie, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Buzzas, Cohenour, Eaton, Franklin, Galvin-Halcro, Grinde, Groesbeck, Henry, Hiner, Kaufmann, Lindeen, McAlpin, Noonan, Raser, Sesso, Villa.



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Total 16

Voted Absentee: Parker, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 218** - Representative B. Olson moved **HB 218** do pass.

**HB 218** - Representative Jopek moved **HB 218**, second reading copy, be amended as follows:

1. Title, line 8 through line 9.

**Strike:** "REDUCING" on line 8 through "DISTRICT;" on line 9

2. Title, line 11.

**Strike:** "7-22-2441,"

3. Page 3, line 7 through line 13.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Lake, Lambert, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sonju, Taylor, Wagman, Ward, Wells, Witt.

Total 33

Voted Absentee: Jent, Parker, Ayes.

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

**HB 218** - Representative B. Olson moved **HB 218**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan,

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A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Becker, R. Brown, Clark, Galvin-Halcro, Gutsche, Kaufmann, Koopman, Mendenhall, Morgan, Sinrud, Wagman.

Total 11

Voted Absentee: Jent, Parker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 120** - Representative Facey moved **HB 120** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Callahan, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Voted Absentee: Jent, Parker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Campbell, Clark, Driscoll, Eaton, Everett, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Becker, Butcher, Caferro, Callahan, Cohenour, Dickenson, Dowell, Facey, Gallik, Golie, Gutsche, Kaufmann, Lenhart, Lindeen, Musgrove, Wanzenried, Wilson, Windham.

Total 18

Excused: Jent, Parker.

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Total 2

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 199** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

**HB 266** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

**HB 273** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

**HB 274** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Himmelberger, Jayne, Koopman.

Total 3

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

**HB 317** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 90

Noes: Butcher, Maedje, Sinrud, Stahl, Stoker, Wagman, Witt.

Total 7

Excused: Jent, Parker.

Total 2

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Absent or not voting: Ripley.

Total 1

**HB 354** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Jayne.

Total 1

Excused: Jent, Parker.

Total 2

Absent or not voting: Bergren.

Total 1

**HJR 4** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Leader Wanzenried moved that HB 484 be re-referred from the Business and Labor Committee to the Agriculture Committee. Motion carried.

Rep. Maedje moved that his vote on HB 302 be changed from aye to nay. Motion carried.

**UNFINISHED BUSINESS**

Rep. Buzzas requested that HB 170 be taken from the Consent calendar and be placed on 2nd Reading.

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**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 397. There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Leader Wanzonried moved that the House adjourn until 1:00 p.m., Tuesday, February 1, 2005. Motion carried.

House adjourned at 2:03 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
February 1, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Campbell. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Parker, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/1/2005  
Correctly engrossed: **HB 57, HB 171, HB 183, HB 206, HB 218, HB 227, HB 236, HB 320, HB 327, HB 262, HB 295.**

**BUSINESS AND LABOR** (Keane, Chairman): 2/1/2005  
**HB 295**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "REQUIRING" on line 6 through "CERTIFICATES;" on line 8

2. Title, line 8.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

3. Title, line 9.

**Strike:** "70-9-802, AND 70-9-803,"

4. Page 1, line 24 through line 25.

**Strike:** subsection (5) in its entirety

5. Page 2, line 8.

**Following:** "~~(5)~~"

**Insert:** "(a)"

**Strike:** "has" through "70-9-802"

**Insert:** "means a record, including a gift card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not mean:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; or

(iii) a gift certificate usable with multiple sellers of goods or services"

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6. Page 2, line 17 through page 8, line 4.

**Strike:** sections 3 and 4 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 400**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/1/2005

**HB 262**, introduced bill, be amended as follows:

1. Page 2, line 17.

**Following:** the first "assistant judge"

**Insert:** ", who must have the same qualifications as a judge pro tempore under 3-6-204,"

And, as amended, do pass. Report adopted.

**HB 313**, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

2/1/2005

**HB 301**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "COMMERCE"

**Insert:** "AND THE MONTANA HISTORICAL SOCIETY"

**Strike:** "SUCCESSOR"

**Insert:** "SUCCESSORS"

2. Title, line 8.

**Following:** "SITES"

**Insert:** "AND TO BE USED FOR PROJECTS RELATED TO LEWIS AND CLARK"

3. Title, line 8.

**Strike:** "A"

4. Title, line 9.

**Strike:** "ACCOUNT"

**Insert:** "ACCOUNTS"

5. Title, line 10.

**Strike:** "ACCOUNT"

**Insert:** "ACCOUNTS"

6. Page 3, line 3.

**Following:** "commerce"

**Insert:** "and the Montana historical society"

7. Page 3, line 4.

**Strike:** "successor"



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**Insert:** "successors"

8. Page 3, line 7.

**Strike:** "account"

**Insert:** "accounts"

9. Page 3, line 17.

**Following:** "commerce"

**Insert:** "and the Montana historical society"

10. Page 3, line 18.

**Strike:** "account"

**Insert:** "accounts"

11. Page 3, line 24.

**Following:** "account"

**Insert:** "-- Montana historical society Lewis and Clark bicentennial account"

**Following:** "(1)"

**Insert:** "(a)"

12. Page 3, line 25.

**Strike:** "The"

**Insert:** "Three-fourths of the"

13. Page 3.

**Following:** line 28

**Insert:** "(b) There is a Montana historical society Lewis and Clark bicentennial account in the state special revenue fund. One-fourth of the revenue from the sales of Lewis and Clark bicentennial license plates under 2-15-151 must be placed into the account and must be used as provided in 2-15-151. The revenue in the account is statutorily appropriated, as provided in 17-7-502, to the Montana historical society."

14. Page 3, line 29.

**Following:** "account"

**Insert:** "established in subsection (1)(a)"

15. Page 4, line 4.

**Strike:** "this section"

**Insert:** "subsection (2)"

And, as amended, do pass. Report adopted.

**HB 377**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "REPEATEDLY"

2. Page 1, lines 11 and 12.

**Strike:** "must" on line 11 through "once" on line 12

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And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/1/2005

**SB 80**, introduced by Perry

**SB 181**, introduced by Steinbeisser

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 507**, introduced by L. Jones, referred to Local Government.

**HB 508**, introduced by Hendrick, A. Olson, referred to Business and Labor.

**HB 509**, introduced by Jacobson, Cohenour, Campbell, Raser, Harrington, Musgrove, Wilson, Groesbeck, Eaton, referred to Taxation.

**HB 510**, introduced by Clark, referred to Judiciary.

**HB 511**, introduced by Gallik, referred to Taxation.

**HB 512**, introduced by Witt, Black, referred to Appropriations.

**HB 513**, introduced by Raser, referred to Taxation.

**HB 514**, introduced by Gutsche, Cohenour, Lange, Warden, referred to Fish, Wildlife and Parks.

**HB 515**, introduced by Gutsche, Clark, Malcolm, Golie, referred to Fish, Wildlife and Parks.

**HB 516**, introduced by Lenhart, Clark, Furey, Maedje, referred to Fish, Wildlife and Parks.

**HB 517**, introduced by Wiseman, referred to Business and Labor.

**HB 518**, introduced by Maedje, referred to Transportation.

**HB 519**, introduced by Jopek, referred to Appropriations.

**HB 520**, introduced by Furey, Jopek, Maedje, Gutsche, Villa, Dickenson, Henry, Lenhart, Hamilton, Callahan, Branae, Noonan, Dowell, Windham, Wanzenried, Roberts, referred to Judiciary.

**HB 521**, introduced by Furey, Stahl, Dickenson, Sesso, Henry, Dowell, Noonan, Gutsche, Lenhart, Hamilton, Branae, Lambert, Wanzenried, L. Jones, referred to Business and Labor.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Musgrove in the chair.

Chairman Musgrove noted that HB 46 and HB 102 will be passed for the day.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 14** - Representative Golie moved **HB 14** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Andersen, Barrett, Gutsche, Hawk, Jayne, McGillvray, B. Olson, Ripley, Stahl, Stoker, Waitschies.

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Total 11

Voted Absentee: Parker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 48** - Representative Dickenson moved **HB 48** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noennig, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 44

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 56

Voted Absentee: Parker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 92** - Representative B. Olson moved **HB 92** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Grinde, Hamilton, Harris, Henry, Jacobson, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Small-Eastman, Villa, Waitschies, Wilson, Windy Boy, Mr. Speaker.

Total 44

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt.

Total 56

Voted Absentee: Furey, Parker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 381** - Representative Callahan moved **HB 381** do pass.

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**HB 381** - Representative Callahan moved **HB 381**, second reading copy, be amended as follows:

1. Page 2, line 10.  
**Strike:** "appropriate"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Furey, Parker, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gutsche, Harris.  
Total 2

**HB 381** - Representative Callahan moved **HB 381**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Furey, Parker, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 170** - Representative Wilson moved **HB 170** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Facey, Juneau, Maedje, Stahl.  
Total 4

Voted Absentee: Furey, Parker, Ayes.

Excused: None.  
Total 0

Absent or not voting: R. Brown.  
Total 1

**HB 239** - Representative D. Brown moved **HB 239** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Balyeat, Barrett, Butcher, Heinert, Himmelberger, Koopman, McGillvray, Mendenhall, Ripley, Stahl.  
Total 10

Voted Absentee: Furey, Parker, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gallik, Small-Eastman.  
Total 2

**HB 242** - Representative Lambert moved **HB 242** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Balyeat, Ripley.  
Total 2

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Voted Absentee: Furey, Parker, Ayes.

Excused: None.  
Total 0

Absent or not voting: Milburn.  
Total 1

Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Musgrove moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Callahan, Campbell, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 81

Noes: Bixby, Caferro, Clark, Cohenour, Dickenson, Gallik, Gutsche, Harris, Hiner, Jacobson, Juneau, Kaufmann, Wanzenried, Wiseman.  
Total 14

Excused: Furey, Parker.  
Total 2

Absent or not voting: D. Brown, Buzzas, Peterson.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 71** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Furey, Parker.  
Total 2

Absent or not voting: Harris, Maedje, Raser, Windy Boy.  
Total 4

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**HB 100** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dowell, Driscoll, Everett, Facey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Bixby, Buzzas, Cohenour, Dickenson, Eaton, Franklin, Gallik, Groesbeck, Hamilton, Henry, Hiner, Keane, Lake, Lindeen, Noonan, Raser, Sesso, Villa, Wanzenried.  
Total 19

Excused: Furey, Parker.  
Total 2

Absent or not voting: Harris, Windy Boy.  
Total 2

**HB 397** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Sinrud.  
Total 1

Excused: Furey, Parker.  
Total 2

Absent or not voting: Harris.  
Total 1

**MOTIONS**

Dem. Leader Wanzenried moved that HB 170 be re-referred to Appropriations Committee. Motion carried.

Dem. Leader Wanzenried moved that HB 239 be re-referred to Appropriations Committee. Motion carried.

Dem. Leader Wanzenried moved that HB 446 be re-referred from State Administration Committee to Judiciary Committee. Motion carried.

**UNFINISHED BUSINESS**

Rep. Lindeen requested the following sponsors be added to HB 417: Rep. Hamilton, Hendrick, Henry, Jacobson, Jent, W. Jones, MacLaren, A. Olson, and B. Olson.

Rep. Furey requested the following sponsors be added to HB 411: Rep. Caferro, Eaton, Hendrick, Henry, W. Jones, McGillvray, Noonan, and Warden.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Leader Wanzenried moved that the House adjourn until 1:00 p.m., Wednesday, February 2, 2005. Motion carried.

House adjourned at 2:26 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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59TH LEGISLATURE  
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
February 2, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Himmelberger. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative W. Jones, excused. Quorum present.

Speaker Matthews introduced Terry Johnson, Principal Fiscal Analyst of the Legislative Fiscal Division. Mr. Johnson presented an update on the General Fund and on HB 2.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Democratic Leader Wanzenried. Rep. Wanzenried stated that HB 447 received a tie vote during executive action in House Appropriations Committee on February 1, 2005, and that he would like to exercise one of the discretionary bills allowed under the adopted rules of the House (H30-50 Procedures, Subsection 5) on HB 447.

Rep. Wanzenried asked that HB 447 be placed on the agenda for the purposes of 2nd Reading on Friday, February 4, 2005.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

2/2/2005

Correctly printed: **HB 313, HB 400.**

Correctly engrossed: **HB 301, HB 377, HB 381.**

**AGRICULTURE** (Butcher, Chairman):

2/2/2005

**HB 350**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "REQUIRING" through "LESSEES;"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND"

2. Title, page 1, line 6.

**Strike:** "77-6-207"

3. Page 1, line 26 through page 2, line 10.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 351**, introduced bill, be amended as follows:

1. Page 2, line 16.

**Following:** "decision"

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**Insert:** "for judicial review of the decision"

And, as amended, do pass. Report adopted.

**APPROPRIATIONS** (Buzzas, Chairman):  
**HB 447**, submit without recommendation.

2/3/2005

**BUSINESS AND LABOR** (Keane, Chairman):  
**HB 182**, introduced bill, be amended as follows:

2/2/2005

1. Title, page 1, line 16.

**Strike:** "REQUIRING BOARD OF HORSERACING REVIEW OF IMPACTS;"

2. Page 1, line 24.

**Following:** "37-6-304,"

**Insert:** "37-7-104,"

3. Page 1, line 26.

**Strike:** "37-16-404,"

**Strike:** "37-18-303,"

4. Title, page 2, line 2.

**Following:** "37-68-305,"

**Insert:** "37-68-307, 37-68-310,"

5. Title, page 2, line 6.

**Following:** "37-16-403,"

**Insert:** "37-16-404,"

6. Title, page 2, line 11.

**Following:** "37-67-318,"

**Strike:** "37-68-307, 37-68-310,"

7. Page 4, line 28.

**Following:** "processing"

**Insert:** "routine"

**Following:** "licenses"

**Insert:** "as defined by a board"

8. Page 6, line 16.

**Strike:** "may"

**Insert:** "shall"

9. Page 6, line 17.

**Strike:** "personnel"

**Insert:** "executive or executive director positions"

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10. Page 8, line 13.

**Strike:** "20%"

**Insert:** "50%"

11. Page 26, following line 3.

**Insert:** "Section 37. Section 37-7-104, MCA, is amended to read:

**"37-7-104. Qualifications of employee hired to assist board.** A person hired by the department to enter and inspect an establishment under this chapter; ~~to examine the books of a manufacturer, druggist, storekeeper, wholesaler, pharmacist, or intern; to assist in a prosecution under this chapter; and to assist the board in supervising internships, reciprocity agreements, professional correspondence, and examinations shall~~ must be:

(1) a citizen of the United States and a resident of this state; and

(2) a pharmacist registered under this chapter, ~~with at least 5 years of practical experience.~~ "

**Renumber:** subsequent sections

12. Page 38, line 21 through page 39, line 28.

**Strike:** section 54 in its entirety

**Renumber:** subsequent sections

13. Page 42, line 7 through line 24.

**Strike:** section 58 in its entirety

**Renumber:** subsequent sections

14. Page 75, line 21.

**Strike:** "may"

**Insert:** "shall"

15. Page 75, line 22.

**Strike:** "and"

**Insert:** ", "

**Following:** "contractors;"

**Insert:** ", "

16. Page 75, line 23.

**Following:** "of"

**Insert:** "for the examination of"

17. Page 75, line 28.

**Following:** "~~contents of~~"

**Insert:** "contents of"

18. Page 75, line 30.

**Following:** "year of"

**Insert:** "legally obtained"

19. Page 76, line 1.

**Following:** "years of"

**Insert:** "legally obtained"

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20. Page 76, line 2.

**Following:** "years of"

**Insert:** "legally obtained"

21. Page 76, following line 21.

**Insert:** "The board shall, not less than 30 days prior to a scheduled examination, notify each applicant that the evidence submitted with the applicant's application is sufficient to qualify to take the examination or that the evidence is insufficient and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant. The place of examinations must be designated by the board, and examinations must be held at least once a year and at other times as, in the opinion of the board, the number of applicants warrants.

(3) The examination must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

- (a) the national electric code;
- (b) cost estimating for electrical installments;
- (c) procurement and handling of materials needed for electrical installations and repair;
- (d) reading blueprints for electrical work;
- (e) drafting and layout of electrical circuits; and
- (f) knowledge of practical electrical theory.

(4) The board shall determine by rule the fees to be charged an applicant for each examination or reexamination. The fees must be commensurate with costs."

22. Page 76, line 26.

**Following:** "or 4 ~~years~~ years of"

**Insert:** "legally obtained"

23. Page 77, line 3.

**Following:** "~~circuits.~~"

**Insert:** "The examination for a journeyman's license must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and
- (c) layout and practical installation of electrical circuits."

24. Page 77, line 5.

**Following:** "~~years~~ years of"

**Insert:** "legally obtained"

25. Page 77, line 13.

**Following:** "~~circuits.~~"

**Insert:** "The examination for a residential electrician's license must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and
- (c) layout and practical installation of electrical circuits."

26. Page 77, following line 13.

**Insert:** "Section 112. Section 37-68-307, MCA, is amended to read:

**"37-68-307. Examination procedure -- third-party services -- ~~issuance of master, journeyman, or residential electrician's license -- expiration.~~ (†) To ensure impartiality, the examination for either the residential, master's, or journeyman's license must be administered by the department. The department may use a third party to provide examination and grading services. The examination passing grade is 75%.**

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~~(2) If it is determined that the applicant has passed the examination, the department shall issue to the applicant a license that authorizes the licensee to engage in the business, trade, or calling of a residential electrician, journeyman electrician, or master electrician.~~

~~----- (3) Each original license expires on the renewal date established by the department by rule if it is not more than 3 years after the date of issuance. " "~~

**Insert:** "Section 113. Section 37-68-310, MCA, is amended to read:

**"37-68-310. License renewal period -- renewal Renewal of lapsed licenses.** (1) Licenses of residential electricians, journeyman electricians, or master electricians, unless they have been suspended or revoked by the board or unless the department changes the duration of the renewal period, must be renewed for a period of 3 years by the department on application for renewal made to the department on or before the renewal date set by department rule and on the payment of a renewal fee. If application for renewal is not made on or before the renewal date, an additional fee prescribed by board rule must be paid. It is unlawful for a person who refuses or fails to pay the renewal fee to practice electrical work in this state. A person with a lapsed license may be issued a renewal license without examination if the applicant pays the original renewal fee and any delinquency fee within 1 year of the license expiration date. Subject to subsection (2), a lapsed license that is not renewed within 1 year following its expiration date may not be renewed unless the applicant passes the examination and pays the fee required for an original license.

(2) This section may not be interpreted to conflict with 37-1-138. " "

**Renumber:** subsequent sections

27. Page 77, line 29.

**Following:** "of"

**Insert:** "legally obtained"

28. Page 78, line 8.

**Following:** "board"

**Insert:** "conducted by the department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in the field of plumbing and establishing by practical demonstration competence in the special skills required in the field of plumbing"

29. Page 78, line 24.

**Following:** "board"

**Insert:** "for master plumbers testing the applicant's knowledge of the field of plumbing and demonstrating skill and ability in the field of plumbing"

30. Page 79, line 9.

**Following:** "applicant"

**Insert:** "must be examined as to the applicant's qualifications by the department, subject to 37-1-101(4). The department shall examine each applicant for a license to determine the applicant's skill and qualifications as a master plumber or journeyman plumber.

(2) The applicant"

**Renumber:** subsequent subsections

31. Page 79, line 16.

**Strike:** "department"

**Insert:** "board"

32. Page 79, line 17.

**Following:** "and"

**Insert:** "on a case-by-case basis at the board's discretion"

33. Page 79, lines 17 through 18.

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**Strike:** "department" on line 17 through "rule" on line 18  
**Insert:** "the board"

34. Page 83, line 20.  
**Following:** "37-16-403,"  
**Insert:** "37-16-404,"

35. Page 83, line 25.  
**Strike:** "37-68-307, 37-68-310,"

And, as amended, do pass. Report adopted.

**HB 345**, introduced bill, be amended as follows:

1. Title, line 8.  
**Strike:** "AND" through "DATE"

2. Page 1, line 26 through line 28.  
**Strike:** section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 427**, do pass. Report adopted.

**HB 348**, introduced bill, be amended as follows:

1. Title, line 4.  
**Following:** "ALCOHOL;"  
**Insert:** "AND"

2. Title, line 5 through line 7.  
**Strike:** "; INCREASING" on line 5 through "MCA " on line 7

3. Page 2, following line 1.  
**Insert:** "(7) The department shall develop and make available the identification tags required by this section."

4. Page 2, line 30 through page 3, line 17.  
**Strike:** strike section 4 in its entirety  
**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):  
**HB 336**, introduced bill, be amended as follows:

2/2/2005

1. Title, page 1, lines 6 through 9.  
**Following:** "AGE;" on line 6  
**Strike:** remainder of line 6 through "SERVICES;" on line 9

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2. Title, page 1, line 12.

**Following:** "DISABLED;"

**Insert:** "PROVIDING AN APPROPRIATION;"

**Strike:** ", 20-9-346,"

3. Page 2, line 7 through page 3, line 14.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

4. Page 4, line 21.

**Following:** line 20

**Insert:** "NEW SECTION. Section 4. Appropriation. (1) There is appropriated \$143,560 from the general fund in fiscal years 2006 and 2007 to the department of public health and human services to provide services to individuals who have graduated from high school but have not turned 19 years of age on or before September 10 in the school year or years following graduation and who are qualified to receive developmental disability services from the department of health and human services by:

(a) providing payments to a school district that admits an individual under the provisions of 20-5-101; or

(b) provide direct cash assistance to an individual to purchase community-based services.

(2) All or a portion of the money appropriated to the department of public health and human services may be used as a state match for federal funds."

**Renumber:** subsequent sections

5. Page 4, line 22.

**Strike:** "3"

**Insert:** "2"

6. Page 4, line 23.

**Strike:** "3"

**Insert:** "2"

And, as amended, do pass. Report adopted.

**HB 396**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "TORT;"

**Insert:** "PROVIDING AN EXEMPTION FOR YOUTH CORRECTIONAL FACILITIES;"

2. Page 2.

**Following:** line 4

**Insert:** "(c) a written and signed statement from the pupil's parent or guardian authorizing self-administration of medication under conditions specified in the statement from the pupil's physician, physician assistant-certified, or advanced practice registered nurse and acknowledging the liability provisions in subsection (4)."

**Renumber:** subsequent subsections

3. Page 3, line 1.

**Following:** page 2, line 30

**Insert:** "(7) If provided by the parent or guardian and in accordance with documents provided by the pupil's physician, physician assistant-certified, or advanced practice registered nurse, backup medication will be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(8) Youth correctional facilities are exempt from this section and may not adopt policies related to access and use of asthma medications."

And, as amended, do pass. Report adopted.

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**FISH, WILDLIFE AND PARKS** (Golie, Chairman):  
**HB 79**, introduced bill, be amended as follows:

2/2/2005

1. Title, line 8 through line 9.  
**Strike:** "AMENDING" on line 9 through "MCA;" on line 9
2. Title, line 10.  
**Following:** "PROVIDING"  
**Insert:** "AN IMMEDIATE"
3. Title, line 11.  
**Strike:** "DATES"  
**Insert:** "DATE"
4. Page 1, line 15 through page 2, line 16.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections
5. Page 2, line 21 through line 23.  
**Strike:** section 3 in its entirety  
**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 208**, introduced bill, be amended as follows:

1. Title, line 9.  
**Strike:** "SECTION"  
**Insert:** "SECTIONS"  
**Following:** "87-1-209"  
**Insert:** "AND 87-1-301"
2. Page 2, line 27.  
**Following:** "acquire"  
**Insert:** "from willing sellers"
3. Page 2, line 28.  
**Following:** "conveyance."  
**Insert:** "and"  
**Following:** "pipelines"  
**Strike:** ", and access"  
**Following:** "-"  
**Insert:** "Whenever possible, easements must include a weed management plan."
4. Page 3, line 1.  
**Following:** "(3)."  
**Insert:** "The director shall report any easement grant or acquisition made pursuant to this subsection to the commission at its next regular meeting."
5. Page 3, line 12.  
**Insert:** "**Section 2.** Section 87-1-301, MCA, is amended to read:  
    **"87-1-301. Powers of commission.** (1) The commission:  
        (a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;  
        (b) shall establish the hunting, fishing, and trapping rules of the department;



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(c) shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in 87-1-209(4);

(f) shall review and approve the budget of the department prior to its transmittal to the budget office;

(g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but less than \$5,000; and

(h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323.

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

(i) separate deer licenses from nonresident elk combination licenses;

(ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;

(iii) condition the use of the deer licenses; and

(iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

(i) for the biologically sound management of big game populations of elk, deer, and antelope;

(ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

(iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321 through 87-1-325.

(5) The commission may adopt rules establishing license preference systems to distribute hunting licenses and permits:

(a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant who has been unsuccessful for a shorter period of time; and

(b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by the commission.

(6) (a) The commission may adopt rules to:

(i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

(ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts.

(b) The commission shall consider, but is not limited to consideration of, the following factors:

(i) harvest of lions by resident and nonresident hunters;

(ii) history of quota overruns;

(iii) composition, including age and sex, of the lion harvest;

(iv) historical outfitter use;

(v) conflicts among hunter groups;

(vi) availability of public and private lands; and

(vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 298**, do pass. Report adopted.

**HB 312**, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

2/2/2005

**HB 411**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

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**JUDICIARY** (Rice, Chairman):

2/2/2005

**HB 98**, do pass. Report adopted.

**HB 99**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Following:** "imprisonment for"

**Insert:** "a term not to exceed"

**Strike:** "of"

**Insert:** "not to exceed"

And, as amended, do pass. Report adopted.

**HB 197**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Following:** line 26

**Insert:** "(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b)."

And, as amended, do pass. Report adopted.

**HB 414**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "account"

**Insert:** "in accordance with rules adopted by the department of corrections"

2. Page 3, line 9.

**Following:** "placements"

**Insert:** "and for other services intended to reduce or prevent juvenile delinquency subject to restrictions in this chapter and administrative rules adopted by the department"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/2/2005

**HB 280**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "COMMUNICATIONS;"

**Insert:** "REQUIRING THE COURT TO INFORM THE DEFENDANT THAT THE DEFENDANT HAS THE RIGHT TO OBJECT TO THE USE OF AUDIO-VIDEO COMMUNICATIONS;"

2. Page 1, line 18.

**Strike:** "observed and"

3. Page 1, line 19.

**Following:** "present"

**Insert:** "and allowing the party to be seen"

4. Page 1, line 27 through line 28.

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**Strike:** ", in the" on line 27 through "or by" on line 28

**Insert:** "be satisfied by"

**Following:** "communication" on line 28

**Insert:** "if neither party objects and the court agrees to its use and has informed the defendant that the defendant has the right to object to its use"

5. Page 3, line 7.

**Following:** "use"

**Insert:** "and has informed the defendant that the defendant has the right to object to its use"

6. Page 3, line 30.

**Following:** "use"

**Insert:** "and has informed the defendant that the defendant has the right to object to its use"

7. Page 4, line 13.

**Following:** "use"

**Insert:** "and has informed the defendant that the defendant has the right to object to its use"

8. Page 4, line 22.

**Following:** "use"

**Insert:** "and has informed the defendant that the defendant has the right to object to its use"

9. Page 5, line 15.

**Following:** "use"

**Insert:** "and has informed the defendant that the defendant has the right to object to its use"

And, as amended, do pass. Report adopted.

**HB 324**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** "means an"

**Insert:** "office of a medical practitioner, as defined in 37-2-101, or any other facility or"

And, as amended, do pass. Report adopted.

**HB 326**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "METHAMPHETAMINE;"

**Insert:** "REQUIRING THE DEPARTMENT OF CORRECTIONS TO CONTRACT FOR THE ESTABLISHMENT AND MAINTENANCE OF RESIDENTIAL METHAMPHETAMINE TREATMENT PROGRAMS AND TO ADOPT RULES FOR THE PROGRAMS;"

**Strike:** the second "AND"

**Insert:** ", "

2. Title, page 1, line 6.

**Following:** "45-9-102, "

**Insert:** "AND 53-1-203,"

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3. Page 4, line 7 through line 8.

**Strike:** "If a" on line 7 through "suspended." on line 8

4. Page 4, line 10.

**Strike:** "of the first 3 years"

5. Page 5, line 3.

**Insert:** "**Section 3.** Section 53-1-203, MCA, is amended to read:

**"53-1-203. Powers and duties of department of corrections.** (1) The department of corrections shall:

(a) adopt rules necessary to carry out the purposes of 41-5-123 through 41-5-125, rules necessary for the siting, establishment, and expansion of prerelease centers, rules for the establishment and maintenance of residential methamphetamine treatment programs, and rules for the admission, custody, transfer, and release of persons in department programs except as otherwise provided by law. However, rules adopted by the department may not amend or alter the statutory powers and duties of the state board of pardons and parole. The rules for the siting, establishment, and expansion of prerelease centers must state that the siting is subject to any existing conditions, covenants, restrictions of record, and zoning regulations. The rules must provide that a prerelease center may not be sited at any location without community support. The prerelease siting, establishment, and expansion must be subject to, and the rules must include, a reasonable mechanism for a determination of community support or objection to the siting of a prerelease center in the area determined to be impacted. The prerelease siting, establishment, and expansion rules must provide for a public hearing conducted pursuant to Title 2, chapter 3.

(b) subject to the functions of the department of administration, lease or purchase lands for use by correctional facilities and classify those lands to determine those that may be most profitably used for agricultural purposes, taking into consideration the needs of all correctional facilities for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in correctional facilities;

(c) contract with private, nonprofit Montana corporations to establish and maintain;

(i) prerelease centers for purposes of preparing inmates of a Montana prison who are approaching parole eligibility or discharge for release into the community, providing an alternative placement for offenders who have violated parole, and providing a sentencing option for felony offenders pursuant to 46-18-201. The centers shall provide a less restrictive environment than the prison while maintaining adequate security. The centers must be operated in coordination with other department correctional programs. This subsection does not affect the department's authority to operate and maintain prerelease centers.

(ii) residential methamphetamine treatment programs for the purpose of alternative sentencing as provided for in 45-9-102, 46-18-201, 46-18-202, and any other sections relating to alternative sentences for persons convicted of possession of methamphetamine. The department shall issue a request for proposals using a competitive process and shall follow the applicable contract and procurement procedures in Title 18.

(d) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(e) propose programs to the legislature to meet the projected long-range needs of corrections, including programs and facilities for the custody, supervision, treatment, parole, and skill development of persons placed in correctional facilities or programs;

(f) encourage the establishment of programs at the local and state level for the rehabilitation and education of felony offenders;

(g) administer all state and federal funds allocated to the department for youth in need of intervention and delinquent youth, as defined in 41-5-103;

(h) collect and disseminate information relating to youth in need of intervention and delinquent youth;

(i) maintain adequate data on placements that it funds in order to keep the legislature properly informed of the specific information, by category, related to youth in need of intervention and delinquent youth in out-of-home care facilities;

(j) provide funding for and place youth who are adjudicated to be delinquent or in need of intervention and who are committed to the department;

(k) administer youth correctional facilities;

(l) provide supervision, care, and control of youth released from a state youth correctional facility; and

(m) use to maximum efficiency the resources of state government in a coordinated effort to:

(i) provide for delinquent youth committed to the department; and

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(ii) coordinate and apply the principles of modern correctional administration to the facilities and programs administered by the department.

(2) The department and a private, nonprofit Montana corporation may not enter into a contract under subsection (1)(c) for a period that exceeds 10 years. The provisions of 18-4-313 that limit the term of a contract do not apply to a contract authorized by subsection (1)(c). Prior to entering into a contract for a period of 10 years, the department shall submit the proposed contract to the legislative audit committee. The legislative audit division shall review the contract and make recommendations or comments to the legislative audit committee. The committee may make recommendations or comments to the department. The department shall respond to the committee, accepting or rejecting the committee recommendations or comments prior to entering into the contract.

(3) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of intervention and delinquent youth in youth correctional facilities."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/2/2005

**HB 220**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 371**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 347**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Following:** "easement"

**Insert:** ", in the terms of the acquisition agreement, or by the governing body resolution"

2. Page 1, line 19.

**Strike:** "5"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

2/2/2005

**HB 370**, introduced bill, be amended as follows:

1. Page 17, line 18.

**Following:** "material"

**Strike:** "change"

**Insert:** "increase"

2. Page 18, line 16.

**Following:** "material"

**Strike:** "change"

**Insert:** "increase"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

2/2/2005

**HB 35**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "INCREASES"

**Insert:** "BY RAISING CERTAIN REGISTRATION FEES"

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2. Title, page 1, line 10.

**Strike:** "AND"

**Insert:** ", "

3. Title, page 1, line 11.

**Following:** "17-7-502,"

**Insert:** "23-2-512, 23-2-616, 23-2-803, AND 61-3-321,"

**Strike:** "AND AN APPLICABILITY DATE"

4. Page 5, line 11 through line 12.

**Strike:** subsection (d) in its entirety

**Insert:** "(d)(i) Except as provided in subsection (10)(d)(ii), the survey and plan must be completed at least 6 months before the start of each regular legislative session.

(ii) The first survey must be completed by January 1, 2006, for the plan to be implemented for the first full pay period in fiscal year 2007."

5. Page 5, line 28.

**Strike:** "3"

**Insert:** "7"

6. Page 6.

**Following:** line 14

**Insert:** "Section 3. Section 23-2-512, MCA, is amended to read:

**"23-2-512. Identifying number.** (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by a fee of ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$15.50~~ \$20.50. Any alteration, change, or false statement contained in the application renders the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax required under 23-2-517 for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft before the application for certification or, if applicable, recertification may be accepted by the county treasurer.

(3) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

(4) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

(5) A certificate of number and a registration decal issued under this part are effective unless terminated or discontinued in accordance with the provisions of this part.

(6) If ownership is transferred, the purchaser shall notify the county treasurer within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

(7) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer

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with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

(8) (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft. A registration decal issued under this part must be placed next to the identifying number located on the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

(9) Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the department of revenue, as provided in 15-1-504, ~~for deposit. The department of revenue shall deposit \$5 of the fee collected under subsection (1) in the account established in [section 7] and the remainder in the state general fund.~~

(10) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of the United States. "

**Insert: "Section 4.** Section 23-2-616, MCA, is amended to read:

**"23-2-616. Registration and registration decal -- application and issuance -- use of certain fees.** (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left side of the cowl.

(2) (a) A Montana resident who owns a snowmobile operated on public land shall register the snowmobile at the county treasurer's office in the county where the owner resides.

(b) A county treasurer shall register a snowmobile if:

(i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer has confirmed that the department of justice has an electronic record of title for the snowmobile as provided in 61-3-101.

(c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained by the department of justice, by entering the fees paid and recording any changes to the record.

(3) The owner registering a snowmobile shall pay a registration fee of ~~\$6.50 in calendar year 2004 and, in each subsequent year, \$20.50~~ \$25.50 and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the most recent year in which the snowmobile was registered. Upon payment of the proper fees, including the fee in lieu of tax, the treasurer shall issue a registration receipt that contains information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice.

(5) The county treasurer may not register a snowmobile under this section unless the applicant has paid the registration fee and the fee in lieu of property tax on the snowmobile as required by 15-16-202.

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(6) All money collected from payment of registration fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, ~~for deposit. The department of revenue shall deposit \$5 of the fee in the account established in [section 7] and the remainder in the state general fund.~~

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.

(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner shall pay the fee in subsection (3)."

**Insert: "Section 5.** Section 23-2-803, MCA, is amended to read:

**"23-2-803. One-time fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees.** (1) Except as provided in subsection (2), there is a one-time fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides. The one-time fee for an off-highway vehicle is ~~\$20 in calendar year 2004 and, in each subsequent year, \$40~~ \$45.

(2) Whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under subsection (1) must be paid by the new owner.

(3) The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section to the department of revenue. The department of revenue shall deposit \$5 of the fee in the account established in [section 7] and the remainder in the state general fund."

**Insert: "Section 6.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year, \$17;~~

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, \$10; and

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each subsequent year, \$19.25.~~ This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year, \$22;~~

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar year 2004 and, in each subsequent year, \$11.25.~~ This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75.~~ If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.

(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar year 2004 and, in each subsequent year, \$16~~ must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.



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(4) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected.

(12) For each vehicle subject to a registration fee under subsection (1), an additional fee of \$5 must be collected and forwarded to the department of revenue. The department of revenue shall deposit the \$5 in the account established in [section 7]. "

**Renumber:** subsequent sections

7. Page 6, line 16.

**Strike:** "Motor vehicle insurance policy fee"

**Insert:** "Special revenue account"

8. Page 6, line 17.

**Strike:** "-- special revenue account"

9. Page 6, line 17 through line 22.

**Strike:** "(1)" on line 17 through "(2)" on line 22

10. Page 6, line 22.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

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11. Page 6, line 22 through line 23.

**Strike:** "The" on line 22 through "." on line 23

12. Page 7, line 1.

**Following:** "savings"

**Insert:** "-- report to audit committee"

13. Page 7.

**Following:** line 7

**Insert:** "(3) Each fiscal year, the department of justice shall provide to the legislative audit committee a detailed report on all positions in the Montana highway patrol. At a minimum, the report must include the following information:

- (a) the number of positions that were filled during the year and the average salary paid at hire;
- (b) the total number of vacancies incurred during the year broken out by position title, the cause of each vacancy, and the length of time the position remained vacant;
- (c) the total number of hours spent on patrol during the year broken out by enforcement activity and position title."

14. Page 7, line 9.

**Strike:** "3"

**Insert:** "7"

15. Page 7, line 10.

**Strike:** the first "33," through "[section 3]"

**Insert:** "44, chapter 1, part 5, and the provisions of Title 44, chapter 1, part 5, apply to [section 7]"

16. Page 7, lines 11 and 12.

**Strike:** "4" on both lines

**Insert:** "8" on both lines

17. Page 7, line 15.

**Strike:** "on passage and approval"

**Insert:** "January 1, 2006"

18. Page 7, line 16.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) [Sections 1 and 9] and this section are effective on passage and approval."

19. Page 7, line 16.

**Strike:** "4"

**Insert:** "8"

20. Page 7, line 18 through line 19.

**Strike:** section 7 in its entirety

And, as amended, do pass. Report adopted.

**HB 104**, do pass. Report adopted.

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**HB 213**, introduced bill, be amended as follows:

1. Title, page 1, line 23.

**Strike:** "CORRECTING INTERNAL REFERENCES TO"

**Insert:** "REVISING THE ELECTION OF"

2. Title, page 2, line 6.

**Strike:** "19-5-502, 19-5-601,"

**Strike:** "19-5-802"

**Insert:** "19-5-902"

3. Page 7, line 2.

**Strike:** "(b)"

4. Page 46, line 28 through page 47, line 4.

**Strike:** section 39 in its entirety

**Renumber:** subsequent sections

5. Page 47, line 6 through line 14.

**Strike:** section 40 in its entirety

**Renumber:** subsequent sections

6. Page 49, line 8 through line 21.

**Strike:** section 42 in its entirety

**Insert:** "Section 40. Section 19-5-902, MCA, is amended to read:

"**19-5-902. Election -- guaranteed annual benefit adjustment.** (1) Subject to subsection (2), on January 1 of each year, the permanent monthly benefit payable during the preceding January to each recipient who is eligible under subsection (3) must be increased by 3%.

(2) (a) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the adjustments amount to less than a 3% annualized increase, then the recipient's benefit must be adjusted by an amount that will provide a total annualized increase of 3% in the benefit paid since the preceding January.

(b) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the increases amount to more than a 3% annualized increase, then the benefit increase provided under this section must be 0%.

(3) A benefit recipient is eligible for and must receive the minimum annual benefit adjustment provided for in this section if:

(a) the benefit's commencement date is at least 12 months prior to January 1 of the year in which the adjustment is to be made; and

(b) the member either:

(i) first became an active member on or after July 1, 1997; or

(ii) filed a voluntary, irrevocable election to be covered under this section. The election:

~~(A) must be filed with the board prior to December 1, 2001 2005; and~~

~~(B) requires an active member to pay an increased or revised contribution rate from January 1, 2002, forward.~~

(4) The board ~~shall~~ may adopt rules to administer the provisions of this section.

(5) The decision of a member who previously elected to participate under 19-5-901 or this section remains valid. The decision of a member who previously elected not to participate under 19-5-901 or this section may be reversed under this section."

**Renumber:** subsequent sections

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And, as amended, do pass. Report adopted.

**HB 234**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "CERTIFICATE"

**Insert:** "INADVERTENTLY"

2. Title, page 1, line 5.

**Following:** "COUNTY"

**Insert:** "CLERK"

**Strike:** "OR TRANSFERRED"

**Following:** ";

**Insert:** "CLARIFYING THAT IT IS NOT THE CLERK'S DUTY TO FILE A DISCHARGE CERTIFICATE;  
PROVIDING DEFINITIONS;"

3. Page 1, line 14.

**Following:** "."

**Insert:** "It is not the clerk's duty to file the certificate."

4. Page 1, line 15.

**Strike:** "Military discharge certificates are"

**Insert:** "A record of a military discharge certificate is"

**Strike:** "are"

5. Page 1, line 17.

**Strike:** "who filed"

**Insert:** "for whom"

**Following:** "certificate"

**Insert:** "was recorded"

6. Page 1, line 24.

**Strike:** "Upon"

**Insert:** "If an original discharge certificate was inadvertently filed and the county clerk still retains the certificate  
in its original form, upon"

7. Page 1, lines 25 and 26.

**Strike:** ";" on line 25 through "(a)" on line 26

**Strike:** "original"

**Insert:** "filed"

8. Page 1, line 27 through line 30.

**Strike:** "and" through "records" on line 30

9. Page 1.

**Following:** line 30

**Insert:** "(4) For purposes of this section:"

(a) "file" means to store in original form; and

(b) "record" means to make and keep a copy from which a certified original copy can be reproduced.

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And, as amended, do pass. Report adopted.

**HB 253**, do pass. Report adopted.

**HB 297**, do pass. Report adopted.

**HB 417**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "IMMEDIATE"

**Strike:** "DATE"

**Insert:** "DATES"

2. Page 1, line 11.

**Strike:** "Appropriation"

**Insert:** "Appropriations"

**Strike:** "\$1 million"

**Insert:** "\$500,000"

3. Page 1, line 13.

**Strike:** "(2)" through "(1), the"

**Insert:** "The"

4. Page 1, line 14.

**Strike:** "each of"

**Strike:** "two"

**Strike:** "events"

**Insert:** "event"

5. Page 1, line 14 through line 15.

**Following:** "Montana" on line 14

**Insert:** ", "

**Strike:** ":" on line 14 through "(a)" on line 15

6. Page 1, line 15.

**Following:** "2005"

**Strike:** "; and"

**Insert:** ". "

7. Page 1, line 16.

**Strike:** "(b)"

**Insert:** "(2) There is appropriated \$500,000 from the general fund to the Lewis and Clark bicentennial commission. The Lewis and Clark bicentennial commission shall allocate \$500,000 to the national signature event awarded to Montana,"

8. Page 1, line 21.

**Strike:** "each"

**Insert:** "the"

**Following:** "event"

**Insert:** ", explore the big sky,"

9. Page 1, line 23.

**Strike:** "are"

**Insert:** "is"

10. Page 1, line 24.

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**Following:** "subsection"

**Insert:** "(2) or"

11. Page 1, line 27.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

12. Page 1.

**Following:** line 27

**Insert:** "(2) [Section 1(2)] is effective July 1, 2005."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/2/2005

**SB 67**, introduced by Cromley

**SB 78**, introduced by Harrington

**SB 127**, introduced by Keenan

**SB 198**, introduced by Kitzenberg

**SB 208**, introduced by Perry

**SB 209**, introduced by Wheat

**SB 221**, introduced by Barkus

**SB 223**, introduced by Barkus

**SB 243**, introduced by Cocchiarella

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/2/2005

**SJR 4**, introduced by Cobb

**SB 204**, introduced by Shockley, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/2/2005

Yeas - 46

Nays - 4

**MESSAGES FROM THE GOVERNOR**

February 2, 2005

The Honorable Gary Matthews

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 1** sponsored by Representative Witt on February 2, 2005.

**STATE INTERNET/BBS COPY**

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Sincerely,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 522**, introduced by W. Jones, Kitzenberg, referred to Appropriations.  
**HB 523**, introduced by Sinrud, referred to Local Government.  
**HB 524**, introduced by Sinrud, referred to State Administration.  
**HB 525**, introduced by Juneau, Jayne, Small-Eastman, Campbell, Bixby, referred to Education.  
**HB 526**, introduced by Mendenhall, McGee, R. Brown, Tropila, Lange, Grimes, Rice, referred to Judiciary.  
**HB 527**, introduced by Mendenhall, Koopman, Bergren, referred to Business and Labor.  
**HB 528**, introduced by Koopman, Perry, referred to Business and Labor.  
**HB 529**, introduced by Kaufmann, referred to Taxation.  
**HB 530**, introduced by Matthews, referred to State Administration.  
**HB 531**, introduced by Franklin, Dickenson, Schmidt, Callahan, Mangan, Tropila, Gillan, McKenney, Galvin-Halcro, Golie, Wilson, Wheat, Witt, Cobb, Kitzenberg, Black, Brueggeman, referred to Appropriations.  
**HB 532**, introduced by Gallik, referred to Business and Labor.  
**HB 533**, introduced by Gallik, referred to Business and Labor.  
**HB 534**, introduced by Gallik, referred to Business and Labor.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 15**, introduced by Juneau, Jayne, Bixby, Small-Eastman, Campbell, Wanzenried, referred to Judiciary.  
**HJR 16**, introduced by Groesbeck, Hawk, Klock, Mangan, Villa, Jacobson, Sesso, Sonju, Clark, McKenney, Williams, R. Brown, Laslovich, Stahl, Matthews, Wiseman, Witt, Gillan, Keane, Peterson, Harrington, Lind, Lenhart, Kitzenberg, Musgrove, Cooney, Tester, Harrington, Golie, Lindeen, Cocchiarella, Cohenour, McNutt, Facey, Wilson, Gallik, Ryan, Franklin, Glaser, Steinbeisser, Gallus, Jackson, Tropila, Bergren, Noonan, Larson, Brueggeman, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Taylor in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 171** - Representative Cohenour moved **HB 171** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Voted Absentee: W. Jones, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 183** - Representative Franklin moved **HB 183** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Koopman, Maedje, Sales, Sonju, Ward, Wells.  
Total 6

Voted Absentee: W. Jones, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 206** - Representative Noonan moved **HB 206** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Barrett, D. Brown, R. Brown, Everett, Himmelberger, Jayne, Lambert, MacLaren, Malcolm, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Wagman, Wells, Witt.  
Total 18

Voted Absentee: W. Jones, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 227** - Representative Galvin-Halcro moved **HB 227** do pass.



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**HB 227** - Representative Cohenour moved **HB 227**, second reading copy, be amended as follows:

1. Page 2, line 5.

**Following:** "suspended"

**Insert:** "while the resident is serving in a combat zone or contingency operation as described in 26 U.S.C. 7508"

2. Page 2, line 8.

**Following:** "after"

**Insert:** "the cessation of hostilities or 1 year after"

3. Page 2, line 10.

**Strike:** ", as described in 26 U.S.C. 7508,"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: W. Jones.

Total 1

Absent or not voting: Ripley, Sales.

Total 2

**HB 227** - Representative Galvin-Halcro moved **HB 227**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: W. Jones, Aye.

Excused: None.

Total 0

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Absent or not voting: Lange, McKenney.  
Total 2

**HB 236** - Representative Jackson moved **HB 236** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 86

Noes: Barrett, Bixby, Juneau, Koopman, McNutt, Mendenhall, Musgrove, Rice, Ripley, Sales, Sinrud, Small-Eastman, Wells, Witt.  
Total 14

Voted Absentee: W. Jones, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 313** - Representative Sesso moved **HB 313** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 94

Noes: Jayne, Mendenhall, Sinrud, Stahl, Stoker, Witt.  
Total 6

Voted Absentee: W. Jones, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 327** - Representative Groesbeck moved **HB 327** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser,

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Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Hawk, Koopman, Malcolm, Mendenhall, Rice, Sales, Wells.  
Total 7

Voted Absentee: W. Jones, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Taylor moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Butcher, Sales.  
Total 2

Excused: W. Jones.  
Total 1

Absent or not voting: Becker, Hendrick, Jayne.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 14** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Dickenson, Gutsche, Hawk, Jayne, Kaufmann, B. Olson, Rice, Ripley, Stahl, Stoker, Waitschies.

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Total 11

Excused: W. Jones.

Total 1

Absent or not voting: None.

Total 0

**HB 218** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, Butcher, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Becker, R. Brown, Buzzas, Clark, Eaton, Galvin-Halcro, Gutsche, Harris, Jopek, Kaufmann, Koopman, Mendenhall, Morgan, Sinrud, Stahl, Wagman.

Total 16

Excused: W. Jones.

Total 1

Absent or not voting: None.

Total 0

**HB 242** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: W. Jones.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HB 236 and HB 327 be re-referred to House Appropriations. Without objection, so ordered.

Rep. Bernie Olson moved to reconsider action taken on February 1, 2005, on HB 92 and place the bill on second reading. Motion carried as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Windham, Witt.  
Total 43

Excused: W. Jones.  
Total 1

Absent or not voting: Morgan.  
Total 1

**UNFINISHED BUSINESS**

Rep. Clark requested the following sponsors be added to HJR 13: Representatives Driscoll, Hamilton, Juneau, Kaufmann, Lange, Matthews, Stahl, and Senators Joe Balyeat, Laslovich, Schmidt, Story, and Weinberg.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:15 p.m., Thursday, February 3, 2005.  
Motion carried.

House adjourned at 2:54 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
February 3, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Hiner. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Jackson, McNutt, and Witt, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House Chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from the Honorable Chief Justice Karla Gray. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify the Honorable Chief Justice Gray that the body is in joint session and ready to receive her address. Motion carried.

Senator President Tester appointed Senator Wheat, Senator Shockley, Representative Wiseman, and Representative Noennig to escort the Honorable Chief Justice Gray into the House Chamber.

The committee escorted Chief Justice Gray into the House Chamber.

Invocation was given by Father Jerry Lowney, and Senate President Tester led the body in the Pledge of Allegiance.

Senate President Tester introduced the Honorable Chief Justice Gray to the joint session. Chief Justice Gray made the following remarks:

"Speaker Matthews, President Tester, Members of the 59<sup>th</sup> Montana Legislature, distinguished guests, fellow Montanans:

I am honored to report to this joint session of the 59<sup>th</sup> Montana Legislature—and the people we all serve—on Montana's Judicial Branch of government: who we are, our successes and our challenges. Before I do that, let me express my sincere thanks for this time in your crowded schedule. It is important for you to hear about the Judicial Branch; but this time together is perhaps equally important because it provides an opportunity for members of all three Branches of Montana's government to be together in one place, to symbolically remind all of us of our shared commitment to serving the people of Montana as well as we possibly can in our separate, but equally important, roles. In the overall scheme of things, sharing this time together cements the lovely reality that far more binds us together in our government than has ever separated us.

Let me start with who we are in the Judicial Branch, beginning with the dedicated judges of Montana's Courts of Limited Jurisdiction, who are an integral part of nearly every community and, most assuredly, the backbone of our Montana judicial system. These 107 justices of the peace, city court and municipal court judges, together with their experienced and committed employees, handle more than 300,000 cases each year. Their dedication, professionalism and commitment to delivering timely and quality justice to the citizens of our state are a model for us all.

Next, please be aware of the 42 men and women who serve as District Court judges in all 56 counties in Montana, divided into 22 judicial districts. District Court cases involve the most complicated problems human beings can devise, both civil and criminal. On a daily basis, District Court judges make decisions dramatically affecting individuals, families, businesses and communities. They and their talented staff are passionately dedicated to the law, the Constitution and the public and, for that, we owe them immense gratitude.

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Many of you already know my colleagues on the Supreme Court. Montana's highest court—together with our hardworking and dedicated judicial assistants, law clerks and staff attorney—work with incredible diligence to handle a heavy and ever more complex caseload. In 2004, the Supreme Court resolved 800 cases, nearly half by written opinion. In addition, we totally revamped the ethical rules for Montana attorneys, made our first trip ever to Glendive—so the folks in eastern Montana would have the opportunity to experience an oral argument before the Montana Supreme Court—and worked on improvements in various areas related to the administration of justice such as access to justice issues. The Justices are enormously dedicated to serving the people of Montana and to upholding the people's document—our Montana Constitution.

With that abbreviated background on the Judicial Branch, let me touch on just a few of our many accomplishments in recent years. And let me start by confessing that when I stood before the joint session four years ago, as the new Chief Justice, I envisaged a very different term as Chief. But—as the old saying or “curse” goes—“may we live in interesting times.” And did those folks ever serve up some interesting times for the Judicial Branch—including the Chief Justice—in 2001, when they enacted state assumption of District Court expenses during the closing days of the 57<sup>th</sup> Legislature!

State assumption was a visionary action by the Legislature. But I believe I can say—without fear of contradiction—that state assumption was much more complex, more labor-intensive and more costly than anyone anticipated. And so, most of the Judiciary's biggest recent accomplishments have related to state assumption, which came into being just 2½ years ago. To a large extent, the “major” dust has now settled regarding this challenging and complicated transition. In less than three years, we have created order out of what seemed chaos. We have brought order and timeliness to the process of paying the bills the Legislature obligated us to pay, and all District Courts are operating under a unified set of policies relating to state assumption. In one fell swoop, the District Court employees who came to us with state assumption on July 1, 2002, grew our Branch from a mere 103 FTE to 375 FTE. Those employees are now working under a single Judicial Branch compensation and classification plan. I am confident in reporting that, while state assumption continues to be a work in progress, we have successfully accomplished a major transition that in other states typically has taken many years and many more resources.

I also want to highlight just some of the major successes in Montana's Youth Courts achieved as part of state assumption. Chief probation officers, under the support and guidance of District Court judges wearing their Youth Court “hats,” have worked steadily and creatively to achieve uniformity and consistency across the 22 judicial districts. By the time this 59th Legislature adjourns, Youth Courts in our state will share a single, automated risk assessment system. This new web-based system will dramatically improve the Youth Courts' ability to identify the needs of at-risk youth, efficiently target prevention and intervention services for those youth, and enhance public safety in our communities. We will roll this assessment tool out with a statewide information-gathering system which ultimately will provide a statewide “report card” on how well our Youth Courts are doing business. We also have centralized the purchase of drug testing kits through a state contract at a much-reduced cost. And, as a final example, we have adopted uniform complaint resolution forms and procedures to investigate and process any complaints against Youth Court staff. These are monumental strides for the Youth Court system—and the Montana children, families and communities they serve. These accomplishments also are shining examples of the wisdom of state assumption.

Much of the credit for success of state assumption lies, of course, with the District Court Council created by the 2001 Legislature in the state assumption legislation. This Council, which I chair, has four District Court voting members, and representatives of juvenile probation, Clerks of District Court, court reporters and the Montana Association of Counties. Needless to say, all very busy people. But the District Court Council—with the extremely able and seemingly tireless staff from the Court Administrator's office—gives whatever time and energy is needed to the challenges of quickly, but carefully, transitioning District Courts into state assumption.

Moving away from state assumption-related matters, I am proud to tell you that our District Court judges continue to approach the administration of justice creatively. A number of what are commonly called “problem-solving courts” have been established in Montana, through the dedication and commitment of judges and members of various communities who are attempting to solve underlying problems such as drug and alcohol dependency, which impact so heavily on the safety of families and communities. The newest of these started just recently in Judge Tom McKittrick's court in Great Falls. I hope to visit it soon, as I have visited several of the others. These newer approaches to the administration of justice are incredibly rigorous for the participants and, so far, very successful. I was moved to tears when I spoke at a “graduation ceremony” in the Gallatin County treatment court, where I had the honor of meeting a man who had been a drug addict with a life in shambles for 20+ years, and who was drug-free for the first time, employed and tending to his family—all as a result of the 18-month treatment court program. These

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problem-solving courts are very labor intensive and, therefore, somewhat costly on the “front end.” I am proud that some Montana judges and their communities have begun, and maintained, these creative courts with federal and local monies. When the Judicial Branch becomes financially healthy, I hope we can work together to fund these special courts—and more like them—throughout the state.

Finally, in the area of information technology, where our resource needs are so great, I am pleased to report that—even with limited resources—the Judicial Branch has made important improvements in the past 18 months. We have installed Full Court, a modern case management system, in 100 of the approximately 160 Courts of Limited Jurisdiction. This step alone substantially improves the way judicial business is done in our busiest courts. Even more exciting, we will electronically link these courts and create a single repository for Limited Court information by September of this year, with the assistance of a federal grant. Working in partnership with the Department of Justice and others who depend on criminal justice information, convictions and sentences will be reported quickly and electronically. As you can readily imagine, this will dramatically increase the accuracy and timeliness of data and will eliminate the slow, labor intensive, paper-based processes currently in place. From a technology standpoint, Montana’s Courts of Limited Jurisdiction are in better shape than they have ever been.

The Judiciary continues to face major challenges, of course, so I need to visit with you about just some of our budget proposals to address those challenges. As with all branches of government and the people we serve, our needs are many. But we have limited our budget request to those proposals which are truly essential for the Judicial Branch to function effectively, efficiently and in a manner which provides accessibility of public records in the Judicial Branch to the people of Montana.

Of course, this brings me immediately back to the information technology needs of Montana’s Judiciary. In our modern world, efficiency demands technology; and accountability demands technology in equal measure. As we all know, technology has revolutionized government’s capacity to collect and sort data, provide information and enhance services. Regrettably, the extensive information technology common in the Legislative and Executive Branches simply does not exist in many areas of the Judicial Branch. And I must point out that no funding for IT hardware, software, connectivity or staff came along with state assumption. It is not a “fault” thing—simply a truism that in those hectic last days of the 2001 Session no one was thinking about the IT-related costs of a hugely expanded Judicial Branch.

Montana’s District Courts, especially, are in dire need of modern information technology tools. We are grateful that both former Governor Martz and Governor Schweitzer included, in their budgets, one-time-only money to modernize information technology in the District and Limited Jurisdiction Courts more rapidly, so we can finally get all Montana’s trial courts on the same page at the same time. It is inefficient, wasteful and disruptive to be installing new systems in some courts, while still “patching” old systems in other courts. We ask your support for these proposals.

Stable, long-term and adequate funding is essential to maintain modern information technology in all our courts in the Twenty-First century. We desperately need technology to effectively manage court operations, to report data to the Legislature in a timely, consistent and reliable manner, and to be accountable to those who pay for and rely on court services. Had Montana’s fiscal situation been less dire two years ago, we would have fought for general fund funding for the Judiciary’s ongoing IT needs, but it simply was not going to happen. So, instead, and at our request, the 2003 Legislature increased the IT surcharge to increase resources for court technology. The increase helped, but our experience in the past 18 months has proven beyond a doubt that the surcharge is not an adequate, efficient or long-term solution for funding well-planned, cost-effective information technology for Montana’s courts. Consequently, we have proposed several solutions for funding essential court technology, and Governor Schweitzer’s budget joins us in recommending general fund funding for operating basic IT tools for Montana’s courts. In addition, we will present bonding legislation for improvements in our information technology. We urge you to thoughtfully consider and approve these proposals; without them, Montana’s courts simply cannot do their work or efficiently exchange information with the other Branches, other governments, private businesses and citizens having business with the courts.

Our next major challenge is to more fully implement the vision of state assumption which was set out in the interim study done before the 2001 Session called “Simplification in the 21<sup>st</sup> Century.” That vision of state assumption is to “provide a uniform, timely and quality judicial system” for Montana. As recognized by the “Simplification” report, the District Courts came into the state system with very uneven staffing and staff compensation levels. Many judicial districts still lack basic, minimum levels of staffing, which creates too many delays in the judicial process. I ask for your support for our conservative proposal for additional staff in the District Courts. Similarly, we have proposed



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a very modest amount to start moving employees doing the same work in different District Courts toward pay equity; the existing inequities are simply unfair and result from the pre-assumption 56-county approach. Please help us take these important steps in furthering the goals the Legislature set for state assumption.

In order to get a handle on Court workloads and needs, the Judiciary is also requesting—and both former Governor Martz and Governor Schweitzer recommend—a one-time-only appropriation for a comprehensive judicial workload assessment study. Such a study will provide logical, measurable data for assessing judicial and staff resource needs, and will help us all answer the questions about court resource needs that have bedeviled Legislative and Judicial policymakers for decades. Such a study has been successfully completed in other states struggling with similar resource issues, but at a significantly higher cost. Neither we nor you currently have the tools and standards necessary for making responsible resource allocation decisions and for ensuring that we have clear, measurable standards for accountability to the public we serve.

Paying the costs of indigent defense remains a very serious problem in the District Court variable budget, which covers criminal defense for the poor, counsel for indigent Montanans facing commitment to a mental facility or the loss of parental rights, and counsel for the most vulnerable of our citizens—children involved in court proceedings—among other things. Some of you will remember that last session I requested, cajoled, nudged and, indeed, pleaded for adequate funding of these costs the Legislature obligated us to pay. I asked not to be forced into a supplemental appropriation situation this session. But fiscal times were dire in Montana, and the needed funds were not provided. Unfortunately, but not surprisingly, the expenses for these variable budget services have far exceeded the amount funded by the 2003 Legislature. The Judiciary currently is anticipating a supplemental request of about \$6.8 million because, frankly, how many Montanans require these services simply is not a matter which we or anyone can control, unless you want prosecutors to dismiss cases involving people entitled to state-funded legal representation. So far, we have kept the wolf from the door by delaying purchases and reducing operating expenses. We cannot, however, continue to starve other portions of the Judicial Branch's budget to pay these bills you obligated us to pay. That was not the vision for state assumption. I urge you to support our crucial request for supplemental funding for these essential services.

The Judicial Branch has had many successes and faces more challenges. I am proud of our successes and confident that you will fairly and constructively help us address the remaining challenges.

I am most proud that Montanans who seek resolution of their disputes through our courts—established expressly for that purpose—have their cases handled fairly by judges and staff who are competent and committed. The Judicial Branch continues working to ensure that every Montanan has equal access to our courts, and that the administration of justice is fair, impartial and accountable to the people we serve. We believe in these goals and strive to meet them every day.

I know that all of you aspire to correlative goals on behalf of your—and our—constituents. As elected officials, we are all committed to serving our constituents with dignity and to giving them the best that is in us. Let us remember together that we are part of a system of government—three separate branches with built-in checks and balances—that is the envy of people around the world. Let us remember together the sacrifices that have been made—and continue to be made—to protect our form of government and to enable others to attain it. If we keep these fundamental ideas close to our hearts and minds, these will be our proudest moments—and we will have faithfully discharged our duties to the people we all serve.

Thank you for your valuable time and considerate attention. The Judicial Branch applauds the critical work you do. On behalf of Montana's Judges, Justices and staff, I wish you a productive and successful 59<sup>th</sup> Legislative Session."

President Tester thanked Chief Justice Gray and directed the escort committee to escort Chief Justice Gray from the joint session.

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from Chief Justice Gray, be adjourned. Motion carried.

Joint session adjourned at 1:40 p.m.

**REPORTS OF STANDING COMMITTEES**

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**BILLS** (Barrett, Chairman): 2/3/2005  
Correctly printed: **HB 98, HB 104, HB 220, HB 253, HB 297, HB 298, HB 312, HB 371, HB 411, HB 427, HB 447.**

Correctly engrossed: **HB 35, HB 79, HB 99, HB 182, HB 197, HB 208, HB 213, HB 227, HB 234, HB 280, HB 324, HB 326, HB 336, HB 345, HB 347, HB 348, HB 350, HB 351, HB 370, HB 396, HB 414, HB 417.**

**TAXATION** (Waitschies, Chairman): 2/3/2005  
**HB 134**, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman): 2/3/2005  
**HB 186**, introduced bill, be amended as follows:

1. Title, line 8 through line 10.  
**Following:** "'MOTORCYCLE'," on line 8  
**Insert:** "AND"  
**Strike:** ", AND" on line 8 through "ENDORSEMENTS" on line 10

2. Title, line 12 through line 13.  
**Strike:** "61-1-123" on line 12 through "61-8-605," on line 13

3. Page 1, line 18.  
**Following:** "that" on line 18  
**Insert:** ": (a) was manufactured in one stage;  
(b)"

4. Page 1, lines 19 through 22.  
**Strike:** ", " on line 19 through "(b)" on line 22  
**Insert:** "; and (c)"

5. Page 1, line 23.  
**Strike:** "40"  
**Insert:** "49"

6. Page 1, line 26.  
**Following:** "include"  
**Insert:** "a vehicle manufactured before 1980,"

7. Page 2, line 10.  
**Following:** "~~61-1-123~~"  
**Insert:** "bicycle, as defined in 61-1-123, and a"

8. Page 2, line 25.  
**Following:** "~~61-1-123~~"  
**Insert:** "bicycle, as defined in 61-1-123, and a"

9. Page 3, line 15 through page 6, line 3.  
**Strike:** sections 7 through 9 in their entirety  
**Renumber:** subsequent sections

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And, as amended, do pass. Report adopted.

**HB 269**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "LAND OR"

**Strike:** "PUBLIC"

2. Page 1, line 19.

**Following:** "or"

**Strike:** "public"

**Insert:** "to access"

3. Page 1, line 20.

**Following:** "23-2-301"

**Insert:** "and as permitted in 23-2-302"

4. Page 2, line 7.

**Following:** "or"

**Insert:** "to access"

5. Page 2, line 8.

**Strike:** "public"

**Following:** "23-2-301"

**Insert:** "and as permitted in 23-2-302"

And, as amended, do pass. Report adopted.

**HB 385**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

**Strike:** "THAT" on line 7 through "ENTITY;" on line 8

**Insert:** "FOR ISSUANCE OF A DRIVER'S LICENSE TO A FOREIGN NATIONAL WHOSE PRESENCE IN THE UNITED STATES IS TEMPORARILY AUTHORIZED UNDER FEDERAL LAW AND IMPOSING CERTAIN CONDITIONS ON RENEWAL AND EXPIRATION OF THAT LICENSE; AUTHORIZING THE DEPARTMENT OF JUSTICE TO ADOPT RULES REGARDING ISSUANCE OF A DRIVER'S LICENSE TO A FOREIGN NATIONAL;"

**Following:** "61-5-105"

**Insert:** ", "

**Strike:** "AND 61-5-106"

**Insert:** "61-5-107, 61-5-111, AND 61-5-125"

2. Title, lines 8 and 9.

**Strike:** "AN" on line 8 through "IMMEDIATE" on line 9

**Strike:** "DATE" on line 9

**Insert:** "DATES AND APPLICABILITY DATES"

3. Page 1, line 14.

**Strike:** "-- no refusal for debts"

**Strike:** "(1)"

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4. Page 1, line 16.

**Strike:** "(a)"

**Insert:** "(1)"

5. Page 1, line 17.

**Strike:** "(i)"

**Insert:** "(a)"

6. Page 1, line 19.

**Strike:** "(ii)"

**Insert:** "(b)"

7. Page 1, line 21.

**Strike:** "(b)"

**Insert:** "(2)"

8. Page 1, line 24.

**Strike:** "(c)"

**Insert:** "(3)"

9. Page 1, line 25.

**Strike:** "(d)"

**Insert:** "(4)"

10. Page 1, line 28.

**Strike:** "(e)"

**Insert:** "(5)"

11. Page 1, line 29.

**Strike:** "(f)"

**Insert:** "(6)"

12. Page 2, line 1.

**Strike:** "(g)"

**Insert:** "(7)"

13. Page 2, line 7.

**Strike:** "(h)"

**Insert:** "(8)"

14. Page 2, line 9.

**Strike:** "(i)"

**Insert:** "(9)"

15. Page 2, lines 13 and 14.

**Strike:** subsection (2) in its entirety

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16. Page 2, line 16 through page 3, line 20.

**Strike:** sections 2 and 3 in their entirety

**Insert:** "Section 2. Section 61-5-107, MCA, is amended to read:

**"61-5-107. Application for license, instruction permit, or motorcycle endorsement.** (1) Each application for an instruction permit, driver's license, commercial driver's license, or motorcycle endorsement must be made upon a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must provide the following additional information:

(a) the name of each jurisdiction in which the applicant has previously been licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the application;

(b) a certification from the applicant that the applicant is not currently subject to a suspension, revocation, disqualification, or withdrawal of a previously issued driver's license or any driving privileges in another jurisdiction and that the applicant does not have a driver's license from another jurisdiction;

(c) a brief description of any physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; ~~and~~

(d) a brief description of any adaptive equipment or operational restrictions that the applicant relies upon or intends to rely upon to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions; ~~and~~

(e) if the applicant is a foreign national whose presence in the United States is temporarily authorized under federal law, the expiration date of the official document issued to the applicant by the bureau of citizenship and immigration services of the department of homeland security authorizing the applicant's presence in the United States.

[(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from each jurisdiction in which the applicant was licensed in the preceding 10-year period. The driving record may be transmitted manually or by electronic medium.

(b) When received, the driving records must be appended to the driver's record created and maintained in this state. The department may rely on information contained in driving records received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law. (Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

**Insert:** "Section 3. Section 61-5-111, MCA, is amended to read:

**"61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace period, and fees for licenses, permits, and endorsements -- notice of expiration.** (1) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts. The department shall adopt necessary rules governing sales. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may appoint an agent to sell receipts.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, Montana mailing address, and a brief description of the licensee; and

(iv) either the licensee's customary signature or a digital reproduction of the licensee's customary signature.

(b) The department may not use the licensee's social security number as the distinguishing number unless the licensee expressly authorizes the use. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on

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the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department shall, if the information was not provided in a prior licensing cycle, require the renewal applicant to provide the name of each jurisdiction in which the applicant was previously licensed to drive any type of motor vehicle during the 10-year period immediately preceding the date of the renewal application and may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) Except as provided in subsections (3)(d)(iv) through (3)(d)(vi), a person may renew a driver's license by mail if the person certifies that the person is temporarily out of state and will not be returning to the state prior to the expiration of the license.

(ii) An applicant who renews a driver's license by mail shall submit to the department an approved vision examination and a medical evaluation from a licensed physician in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph or signature record of the renewal applicant from the expiring license, then the department may require the renewal applicant to submit a personal photograph and signature that meets the requirements prescribed by the department.

(iv) The term of a license renewed by mail is 4 years, and a person may not renew by mail for consecutive license terms.

(v) The department may not renew a license by mail if the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant.

(vi) If a license was issued to a foreign national whose presence in the United States is temporarily authorized under federal law, the license may not be renewed by mail.

(e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a driver's license. The department shall mail the notice to the Montana mailing address shown on the driver's license unless the licensee has submitted a change of address as required by 61-5-115.

(4) (a) Except as provided in subsections (4)(b), ~~and~~ (4)(c), and (4)(d), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(d) A license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law expires, as determined by the department, on either:

(i) the expiration date of the official document issued to the person by the bureau of citizenship and immigration services of the department of homeland security authorizing the person's presence in the United States; or

(ii) on the person's birthday immediately preceding the expiration date of the official document.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months when its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent driving.

(6) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license -- \$5 a year or fraction of a year;

(b) motorcycle endorsement -- 50 cents a year or fraction of a year;

(c) commercial driver's license:

(i) interstate -- \$5 a year or fraction of a year;

(ii) intrastate -- \$3.50 a year or fraction of a year;

(d) renewal notice -- 50 cents.

(7) Upon receipt of notice from another jurisdiction that a person licensed under this chapter has surrendered a Montana driver's license to that jurisdiction, the department shall change the license status on the person's official driver record to "inactive". If the person returns to Montana prior to the expiration of the previously surrendered license, the department may reactivate the license for the remainder of the license term."

**Insert: "Section 4.** Section 61-5-125, MCA, is amended to read:

**"61-5-125. Authority of department -- rulemaking authority.** (1) The department shall administer and enforce the provisions of this chapter.

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(2) The department shall adopt rules setting standards to govern driver's license examinations and reexaminations. The rules:

(a) must specifically address the functional abilities and skills required for a person to exercise ordinary and reasonable control in the safe operation of a motor vehicle on a highway;

(b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and restricted licensure and may include minimum field of vision and depth perception requirements and hearing requirements for unrestricted and restricted licensure;

(c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test may consist of:

(i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

(ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the department, as related to a specific physical or mental condition or conditions or a request for reexamination;

(d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

(e) may take into consideration any nationally recognized standards or recommended practices for assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

(g) may be derived from medical guidelines and information compiled by driver licensing medical advisory or review boards from other jurisdictions, as well as information received from advocacy groups for persons with disabilities and senior citizens; and

(h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation, or condition as a justification for denial of a license.

(3) The department may adopt additional rules governing:

(a) acceptable methods of proof of identification that must be supplied by a person upon application for or renewal of a driver's license;

(b) issuance of a hardship license to an underage applicant;

(c) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license fees;

(d) circumstances under which the department may issue a probationary license to a person whose license has been suspended or revoked or a person whose license is subject to a discretionary suspension or revocation;

(e) restrictions to be imposed upon a probationary license;

(f) renewal of a driver's license by a person in the military assigned to active duty who had a valid Montana driver's license at the time of entering active duty; ~~and~~

(g) issuance of a duplicate driver's license; ~~and~~

(h) a determination of the driver's license expiration date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law."

**Insert:** "NEW SECTION. Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2005.

(2) [Sections 2 and 3] are effective July 1, 2006."

**Insert:** "NEW SECTION. Section 6. Applicability. [This act] applies to driver's licenses issued on or after July 1, 2005, and to driver's licenses renewed on or after July 1, 2006."

And, as amended, do pass. Report adopted.

**HB 393**, introduced bill, be amended as follows:

1. Title, line 17.

**Strike:** "LIMITING GOVERNMENTAL LIABILITY;"

2. Page 2, line 13.

**Strike:** "medical" through "to a"

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3. Page 2, line 15.

**Following:** "confirmation test"

**Insert:** "that is reported to the commercial motor vehicle operator employer by a medical review officer or breath alcohol technician hired by or under contract to the commercial motor vehicle operator employer"

4. Page 2, lines 18 and 19.

**Following:** "49 CFR 40.191"

**Strike:** ", " on line 18 through "technician" on line 19

5. Page 2, line 23.

**Strike:** "department"

**Insert:** "commercial motor vehicle operator employer"

6. Page 2, line 24.

**Strike:** "as provided in [section 2(1)]"

7. Page 2, line 29.

**Strike:** "medical" through "or"

8. Page 3, line 2.

**Following:** "subject to"

**Insert:** "subsection (8) and"

9. Page 3, line 18.

**Following:** "report"

**Insert:** "to the commercial motor vehicle operator employer"

10. Page 3, line 30.

**Following:** "report"

**Insert:** "to the commercial motor vehicle operator employer"

11. Page 4, line 19 through line 22.

**Strike:** subsection (10) in its entirety

**Renumber:** subsequent subsections

12. Page 5, line 8 through line 11.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/3/2005

**SB 104**, introduced by Gillan

**SB 112**, introduced by Harrington

**SB 134**, introduced by Wheat



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**Senate joint resolution** passed and transmitted to the House for concurrence:

2/3/2005

**SJR 1**, introduced by Ellingson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 535**, introduced by L. Jones, referred to Taxation.

**HB 536**, introduced by Callahan, Wheat, Ripley, McNutt, Parker, Brueggeman, Cromley, referred to State Administration.

**HB 537**, introduced by Wanzenried, Clark, Galvin-Halcro, Jayne, Jopek, Noonan, Buzzas, Lindeen, Golie, Bixby, Gallik, Branae, Small-Eastman, Dowell, Raser, Grinde, Groesbeck, Wilson, Villa, Callahan, McAlpin, referred to Business and Labor.

**HB 538**, introduced by Butcher, referred to Local Government.

**HB 539**, introduced by Lindeen, Himmelberger, Barrett, A. Olson, McNutt, Matthews, R. Brown, referred to Federal Relations, Energy, and Telecommunications.

**HB 540**, introduced by Dickenson, Galvin-Halcro, Sesso, Noonan, Callahan, Smith, Campbell, Gillan, Cohenour, Jacobson, Lindeen, Eaton, Harrington, Schmidt, Becker, Musgrove, Tester, Raser, Golie, McAlpin, Wilson, Dowell, Toole, Groesbeck, Grinde, Branae, Franklin, Cromley, Caferro, Villa, Kitzenberg, Laslovich, Larson, Wiseman, Furey, Gallus, Keane, Stahl, Milburn, Hamilton, Ryan, Hiner, Moss, Small-Eastman, Mangan, Ward, referred to Appropriations.

**HB 541**, introduced by Glaser, Hendrick, Maedje, Sonju, D. Brown, Lambert, R. Brown, Taylor, Wagman, Morgan, Ward, L. Jones, Story, referred to Taxation.

**HB 542**, introduced by Hamilton, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Warden in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 262** - Representative Lange moved **HB 262** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Bixby, Hamilton, Jayne, Small-Eastman.  
Total 4

Voted Absentee: Jackson, McNutt, Witt, Ayes.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 377** - Representative Keane moved **HB 377** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: R. Brown, Hawk, Heinert, Jayne, Koopman, Milburn, Rice, Sales, Sinrud, Taylor, Wagman, Waitschies, Wells.  
Total 13

Voted Absentee: Jackson, McNutt, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: McGillvray.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Warden moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: Facey, Jayne, Wells.  
Total 3

Excused: Jackson, McNutt, Witt.  
Total 3

Absent or not voting: D. Brown, Hendrick, McKenney, Musgrove, Sonju, Ward, Warden.  
Total 7

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 171** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro,

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Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Jackson, McNutt, Witt.

Total 3

Absent or not voting: D. Brown, Clark, Franklin.

Total 3

**HB 183** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 89

Noes: Koopman, Maedje, Sales, Wells.

Total 4

Excused: Jackson, McNutt, Witt.

Total 3

Absent or not voting: D. Brown, Clark, Franklin, W. Jones.

Total 4

**HB 206** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 74

Noes: Balyeat, Barrett, R. Brown, Dowell, Everett, Hawk, Heinert, Himmelberger, Lambert, Malcolm, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Wagman, Ward, Wells.

Total 20

Excused: Jackson, McNutt, Witt.

Total 3

Absent or not voting: D. Brown, Clark, Franklin.

Total 3

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**HB 313** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Everett, Jayne, Mendenhall, A. Olson, Sales, Waitschies.  
Total 6

Excused: Jackson, McNutt, Witt.  
Total 3

Absent or not voting: D. Brown, Clark, Franklin.  
Total 3

**HB 381** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Jackson, McNutt, Witt.  
Total 3

Absent or not voting: D. Brown, Clark, Franklin.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Friday, February 4, 2005. Motion carried.

House adjourned at 1:40 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
February 4, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Peterson. Pledge of Allegiance to the Flag.

Entertainment was provided by the Hawthorne Elementary School from Bozeman, Montana.

Roll Call. All members present, except Representatives Galvin-Halcro, John Balyeat, Driscoll, and Bixby, excused. Quorum present.

Speaker Matthews and the House thanked the pages for the week.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Barrett, Chair

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/4/2005  
Correctly printed: **HB 134**.  
Correctly engrossed: **HB 186, HB 269, HB 385, HB 393**.

**BUSINESS AND LABOR** (Keane, Chairman): 2/4/2005  
**HB 156**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Strike:** "or"

**Insert:** ", "

**Following:** "(4),"

**Insert:** "or (5),"

2. Page 1, line 20.

**Strike:** "(3) or (4),"

**Insert:** "(3), (4), or (5), if a health insurance issuer does not limit the time in which a health care provider or other person is required to submit a claim for payment,"

3. Page 2, line 8.

**Strike:** "are tolled"

**Insert:** "do not commence running until the time specified in subsection (4)(b)"

4. Page 2, line 12.

**Strike:** "resumes"

**Insert:** "commences running"

5. Page 2, line 13.

**Insert:** "(5) The time limitations on the health insurance issuer in subsections (1) and (2) do not commence running until the health insurance issuer has actual knowledge of an invalid claim, claim overpayment, or other incorrect payment if the health insurance issuer has paid a claim incorrectly because of an error, misstatement, misrepresentation, omission, or concealment, other than insurance fraud, by the health care provider or other person. Regardless of the date upon which the health insurance issuer obtains actual knowledge of an invalid claim, claim overpayment, or other incorrect payment, this subsection does not permit the health insurance issuer to request reimbursement or to offset another claim payment for

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reimbursement of the claim more than 24 months after payment of the claim."

6. Page 2, line 21.

**Strike:** "Parts"

**Insert:** "(1) Subject to subsection (2), parts"

7. Page 2, line 23.

**Strike:** "section 1], section 2],"

8. Page 2, line 24.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

9. Page 2, line 29.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsection

10. Page 3, following line 4.

**Insert:** "(2) [Sections 1 and 2] apply to group or blanket policies."

And, as amended, do pass. Report adopted.

**HB 203**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "DELETING" on line 6 through "MEMBERS;" on line 7

**Insert:** "REQUIRING ONE MEMBER OF THE BOARD OF NURSING TO BE AN ADVANCED PRACTICE REGISTERED NURSE AND REQUIRING ONE MEMBER TO BE FROM A RURAL HEALTH CARE FACILITY;"

2. Title, line 18.

**Following:** "PERMITS;"

**Insert:** "CLARIFYING LICENSURE REQUIREMENTS FOR LICENSED ADDICTION COUNSELORS;"

3. Title, line 23.

**Strike:** "2-15-1750,"

**Strike:** "2-15-1763,"

4. Title, line 26.

**Strike:** "37-10-307,"

5. Title, line 27.

**Strike:** "37-47-351,"

**Insert:** "37-35-202,"

6. Title, line 28.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 37-7-104"

7. Page 2, line 14.

**Following:** "States:"

**Insert:** "Each member must be a citizen of the United States."

8. Page 2, line 27.

**Following:** "nursing"

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**Insert:** ", at least one must be an advanced practice registered nurse, at least one must be engaged in nursing practice in a rural health care facility,"

9. Page 3, line 12.

**Following:** "States"

**Insert:** "and must be citizens of the United States"

10. Page 3, line 18 through page 4, line 6.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

11. Page 5, line 14 through page 6, line 5.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

12. Page 7, line 7.

**Following:** "therapist,"

**Insert:** "physical therapist,"

13. Page 24, line 18 through line 27.

**Strike:** section 37 in its entirety

**Renumber:** subsequent sections

14. Page 33, following line 16.

**Strike:** section 44 in its entirety

**Insert:** "Section 41. Section 37-35-202, MCA, is amended to read:

"**37-35-202. Licensure requirements -- examination -- fees.** (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in an amount established by the department by rule and a written application on a form provided by the department that demonstrates that the applicant has completed the eligibility requirements and competency standards as defined by department rule.

(2) A person may apply for licensure as a licensed addiction counselor if the person has:

(a) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology, social work, or counseling or a ~~related field~~ comparable degree from an accredited college or university; or

(b) received an associate of arts degree in alcohol and drug studies, addiction, or substance abuse from an accredited institution.

(3) Prior to becoming eligible to begin the examination process, each person shall complete supervised work experience in an addiction treatment program as defined by the department, in an internship approved by the department, or in a similar program recognized under the laws of another state.

(4) Each applicant shall successfully complete a competency examination, in writing only, ~~process~~ as defined by rules adopted by the department.

(5) A person holding a license to practice as a licensed addiction counselor in this state may use the title "licensed addiction counselor".

(6) For the purposes of this section, "comparable degree" means a degree that includes 270 semester hours or the equivalent number of quarter credit hours of accredited college course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis, 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours must be in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified in this subsection may be obtained in an associate or master's degree program if the applicant does not have a qualifying baccalaureate degree."

**Renumber:** subsequent sections

15. Page 35, following line 10.

**Insert:** "(b) is a citizen of the United States;"

**Renumber:** subsequent subsections

16. Page 37, line 17.

**Strike:** "Sections"

**Insert:** "Section"

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**Strike:** "and 37-7-104"

And, as amended, do pass. Report adopted.

**HB 249**, introduced bill, be amended as follows:

1. Page 5, line 15.

**Following:** "means a"

**Insert:** "tribal government,"

2. Page 5, line 30.

**Following:** "available."

**Insert:** "(1)"

3. Page 6, following line 3.

**Insert:** "(2) A grant or loan may not be used for a project that would result in the transfer or relocation of jobs from one part of the state to another part of the state."

4. Page 6, line 13.

**Following:** "programs."

**Insert:** "To the extent feasible, the department shall employ an approach pertaining to the use of funds so that the needs of rural areas are balanced with the needs of the state's urban centers."

5. Page 6, line 30 through page 7, line 1.

**Strike:** ", and" on page 6, line 30 through "jobs" on page 7, line 1

6. Page 7, line 3 through line 8.

**Strike:** "lesser" on line 3 through "reservation" on line 8

**Insert:** "current average weekly wage of the county in which the employees are to be principally employed"

And, as amended, do pass. Report adopted.

**HB 281**, do pass. Report adopted.

**HB 344**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "REMOVING"

**Insert:** "REVISING"

2. Page 1, line 12.

**Following:** "exclusion"

**Insert:** "-- family member exception"

3. Page 1, line 13.

**Strike:** "An"

**Insert:** "(a) Except as provided in subsection (1)(b), an"

4. Page 1, following line 20.

**Insert:** "(b) Notwithstanding the mandatory motor vehicle liability protection provided for in subsection (1)(a), nothing in this part may be construed to prohibit an insurer from identifying a specific family member as an "excluded family member" on the declarations page of a motor vehicle liability insurance policy in order to exclude that specified family member from indemnity or defense under the bodily injury coverage of the policy."

And, as amended, do pass. Report adopted.

**HB 401**, introduced bill, be amended as follows:



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1. Page 3, line 15.

**Strike:** "board"

**Insert:** "department"

And, as amended, do pass. Report adopted.

**HB 409**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Strike:** "blood."

2. Page 2, line 18.

**Following:** "40"

**Insert:** ", and the testing methodology must be cleared by the United States food and drug administration"

3. Page 3, line 25.

**Following:** "urine"

**Insert:** "urine"

4. Page 3, line 26.

**Following:** "40"

**Insert:** ", and the collection, transport, and confirmation testing of nonurine samples must be as stringent as the requirements of 49 CFR, part 40, in requiring split specimens as defined by the United States department of health and human services, requiring transport to a testing facility under the chain of custody, and confirmation of all screened positive results using mass-spectrometry technology"

And, as amended, do pass. Report adopted.

**HB 425**, do pass. Report adopted.

**HB 441**, do pass. Report adopted.

**HB 457**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "TECHNOLOGISTS;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, following line 11.

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

2/4/2005

**HB 24**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "FAULT,"

2. Title, line 9.

**Following:** "INADMISSIBLE"

**Strike:** "AS EVIDENCE OF AN ADMISSION OF LIABILITY"

**Insert:** "FOR ANY PURPOSE"

3. Title, line 10.

**Following:** "PROVIDING"

**Insert:** "AN EFFECTIVE DATE AND"

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4. Page 1, line 16.

**Following:** "apology,"

**Strike:** "fault,"

5. Page 1, line 18.

**Strike:** "as evidence of an admission of liability"

**Insert:** "for any purpose"

6. Page 1, line 21.

**Following:** "regret"

**Strike:** "or asks for a pardon for a fault or offense"

7. Page 2, line 1.

**Following:** section 2

**Insert:** "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 25**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "PROVIDING"

**Insert:** "AN EFFECTIVE DATE AND"

2. Page 1, line 21.

**Following:** section 2

**Insert:** "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 26**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROVIDER"

**Insert:** "UNDER CERTAIN CONDITIONS"

2. Title, line 9.

**Following:** "PROVIDING"

**Insert:** "AN EFFECTIVE DATE AND"

3. Page 1, line 18.

**Strike:** "For"

**Insert:** "Except as provided in subsection (3), for"

4. Page 1, line 21.

**Insert:** "(3) Subsection (2) is not applicable unless the health care provider has, by policy or practice, ensured that those persons providing independent professional services have insurance of a type and in the amount required by the rules and regulations of the medical staff, by the medical staff bylaws, or by other similar health care facility rules or regulations."

5. Page 1, line 21.

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**Following:** section 1

**Insert:** "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/4/2005

**HB 245**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "MINOR"

**Insert:** "CHILD UNDER 16 YEARS OF AGE"

2. Page 1, line 19.

**Strike:** "the age of majority"

**Insert:** "16 years of age"

3. Page 1, line 21.

**Strike:** "to make"

**Insert:** "by making"

4. Page 1, line 21 through line 23.

**Following:** "nature" on line 21

**Strike:** " " on line 21 through "ear" on line 23

**Insert:** ". Body pierces does not include a medical procedure, including but not limited to acupuncture, performed by a health care provider, as defined in 50-4-504, who provides physical health care and is qualified to perform body piercing in the ordinary course of the health care provider's profession"

And, as amended, do pass. Report adopted.

**HB 285**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "FICTITIOUS"

**Insert:** "SUBSTITUTE"

2. Title, page 1, line 10.

**Strike:** "SECRETARY OF STATE"

**Insert:** "DEPARTMENT OF JUSTICE"

3. Title, page 1, line 11.

**Following:** "PROGRAM;"

**Insert:** "AND"

**Strike:** "SECRETARY OF STATE"

**Insert:** "DEPARTMENT OF JUSTICE"

4. Title, page 1, line 12.

**Strike:** "; AND AMENDING SECTION 2-15-401, MCA"

5. Page 1, line 21.

**Strike:** "secretary of state"

**Insert:** "department"

6. Page 1, line 22.

**Strike:** "fictitious"

**Insert:** "substitute"

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**Strike:** ", known only to the secretary of state,"

7. Page 1, line 24.

**Strike:** "secretary of state"

**Insert:** "department"

8. Page 1, line 29.

**Strike:** "6"

**Insert:** "7"

9. Page 2, line 2.

**Following:** line 1

**Insert:** "(2) "Department" means the department of justice."

**Renumber:** subsequent subsections

10. Page 2, line 3.

**Strike:** "secretary of state"

**Insert:** "department"

11. Page 2, line 11.

**Strike:** "Fictitious"

**Insert:** "Substitute"

12. Page 2, line 11 through line 12.

**Strike:** "secretary" on line 11 through "state" on line 12

**Insert:** "department"

**Following:** "victim" on line 12

**Insert:** "who is a resident of this state"

**Strike:** "secretary of state" on line 12

**Insert:** "department"

**Strike:** "fictitious" on line 12

**Insert:** "substitute"

13. Page 2, lines 13, 18, 21, 25, 26, and 28.

**Strike:** "secretary of state"

**Insert:** "department"

14. Page 2, line 14.

**Strike:** "fictitious"

**Insert:** "substitute"

15. Page 2, line 15.

**Following:** "(a)"

**Insert:** "proof that the victim is a resident of this state and"

16. Page 3, line 4.

**Following:** "order,"

**Strike:** "or"

17. Page 3, line 5.

**Following:** "jurisdiction"

**Insert:** ", or a sworn statement of the victim"

18. Page 3, lines 8 (in two places), 10, 15, 18, 19, 22, 24, 25, 29, and 30.

**Strike:** "secretary of state"

**Insert:** "department"

19. Page 3, line 14.

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**Strike:** "fictitious"  
**Insert:** "substitute"

20. Page 3, lines 16, 20, 21, 22, 25, 26, and 29.

**Strike:** "fictitious"  
**Insert:** "substitute"

21. Page 3, line 28.

**Strike:** "fictitious"  
**Insert:** "substitute"

22. Page 4, lines 1, 2, 4, 6, 8, 10, 10 and 11, and 13.

**Strike:** "secretary of state"  
**Insert:** "department"

23. Page 4, lines 1 (in two places), 4, and 10.

**Strike:** "fictitious"  
**Insert:** "substitute"

24. Page 4, line 14.

**Strike:** "6"  
**Insert:** "7"

25. Page 4, line 21 through page 5, line 23.

**Strike:** section 7 in its entirety

**Insert:** "NEW SECTION. **Section 7. Implementation by state and local government agencies.** The department shall issue the participant a substitute address card containing the participant's name, substitute address, and other information that the department determines appropriate. Any state or local government agency that needs or requires the participant's address shall accept and use the address on the card. The agency may make and file a photocopy of the card."

**Renumber:** subsequent section

26. Page 5, line 25.

**Strike:** "6"  
**Insert:** "7"

27. Page 5, line 27.

**Strike:** "6"  
**Insert:** "7"

And, as amended, do pass. Report adopted.

**HB 349**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Strike:** "in jail"

2. Page 1, line 24.

**Strike:** "an"  
**Insert:** "a good faith"

3. Page 1, line 24 through line 25.

**Strike:** "arising" on line 24 through "chapter" on line 25  
**Insert:** "under this section"

4. Page 2, line 8.

**Strike:** "an"

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**Insert:** "a good faith"

5. Page 2, line 8 through line 9.

**Strike:** "arising" on line 8 through "chapter" on line 9

**Insert:** "under this section"

And, as amended, do pass. Report adopted.

**HB 356**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Strike:** "notarized" in two places

**Insert:** "acknowledged" in two places

2. Page 2, line 1.

**Following:** "information."

**Insert:** "Upon request of the applicant, the applicant must be given a copy of the released information."

3. Page 2, line 9 through line 10.

**Strike:** "employer" on line 9 through "45-2-101" on line 10

**Insert:** "information was false and the employer either knew that the information was false or disclosed the information with reckless disregard for whether or not the information was false"

And, as amended, do pass. Report adopted.

**HB 356**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Strike:** "notarized" in two places

**Insert:** "acknowledged" in two places

2. Page 2, line 1.

**Following:** "information."

**Insert:** "Upon request of the applicant, the applicant must be given a copy of the released information."

3. Page 2, line 9 through line 10.

**Strike:** "employer" on line 9 through "45-2-101" on line 10

**Insert:** "information was false and the employer either knew that the information was false or disclosed the information with reckless disregard for whether or not the information was false"

And, as amended, do pass. Report adopted.

**HB 363**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "."

2. Page 1, line 15.

**Strike:** "(a)"

**Following:** "officer"

**Insert:** ", "

**Strike:** the first "or"

**Insert:** "a"

**Following:** "facility"

**Insert:** ", or a health care provider, as defined in 50-4-504, including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider's profession and occupation"

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3. Page 1, line 16.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

4. Page 1, line 17.

**Following:** "prison"

**Insert:** ", "

**Strike:** "or"

5. Page 1, line 18.

**Following:** "facility"

**Insert:** ", or a health care facility"

6. Page 1, line 21.

**Following:** "correctional facility,"

**Insert:** "health care facility,"

7. Page 1, line 21 through line 24.

**Strike:** ";or" on line 21 through "occupation" on line 24

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/4/2005

**HB 73**, do pass. Report adopted.

**HB 105**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "PROVIDING FOR"

**Insert:** "ALLOWING"

2. Title, line 5.

**Following:** "DUTY"

**Insert:** " ; AND PROVIDING FOR ASSIGNMENT TO LIGHT DUTY OR ANOTHER DEPARTMENT OR AGENCY"

3. Page 1, line 12.

**Strike:** "must"

**Insert:** "may"

4. Page 1, line 18.

**Following:** line 17

**Insert:** "NEW SECTION. Section 2. Assignment to light duty or other agency. (1) Whenever, in the opinion of the county and supported by a health care provider's opinion, the deputy sheriff is able to perform specified types of light duty, payment of the officer's partial salary amount under [section 1] must be discontinued if the deputy sheriff refuses to perform light duty when it is available and offered to the deputy sheriff. Light duty must be consistent with the type of duties assigned to a deputy sheriff.

(2) With the deputy sheriff's consent, the deputy sheriff may be transferred to another department or agency within the county."

**Renumber:** subsequent section

5. Page 1, line 19.

**Strike:** "Section"

**Insert:** "Sections"

**Following:** "1"

**Insert:** "and 2"

**Strike:** "is"

**Insert:** "are"

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6. Page 1, line 20.

**Strike:** "section"

**Insert:** "sections"

**Following:** "1"

**Insert:** "and 2"

And, as amended, do pass. Report adopted.

**HB 230**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "APPROVAL;"

**Strike:** remainder of line 6 through "WHEN" on line 7

**Insert:** "PROVIDING FOR CERTIFICATION THAT"

2. Title, line 8.

**Strike:** "ARE AVAILABLE OR"

3. Page 2, line 1.

**Following:** "within"

**Strike:** remainder of line 1

**Insert:** "the"

4. Page 2, line 2.

**Following:** "time"

**Strike:** remainder of line 2 through "body"

**Insert:** "provided in 76-3-507"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/5/2005

**SB 151**, introduced by Weinberg

**SB 162**, introduced by Mangan

**SB 197**, introduced by Gebhardt

**SB 236**, introduced by Lind

**SB 244**, introduced by Squires

**SB 248**, introduced by Joe Balyeat

**SB 254**, introduced by Gebhardt

**SB 240**, introduced by Cooney, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/4/2005

Yeas - 44

Nays - 6

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

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**HB 543**, introduced by Morgan, Maedje, referred to Transportation.  
**HB 544**, introduced by Wiseman, referred to Fish, Wildlife and Parks.  
**HB 545**, introduced by Maedje, referred to Natural Resources.  
**HB 546**, introduced by Maedje, referred to Natural Resources.  
**HB 547**, introduced by Lenhart, Gallik, Musgrove, referred to Agriculture.  
**HB 548**, introduced by Gallik, Wanzenried, Jopek, referred to Appropriations.  
**HB 549**, introduced by Gallik, referred to Business and Labor.  
**HB 550**, introduced by Windy Boy, Wanzenried, Small-Eastman, referred to Appropriations.  
**HB 551**, introduced by Branae, Driscoll, Eaton, Moss, Lindeen, Becker, Gillan, Grinde, referred to Taxation.  
**HB 552**, introduced by Caferro, Henry, A. Olson, referred to Human Services.  
**HB 553**, introduced by Barrett, referred to Fish, Wildlife and Parks.  
**HB 554**, introduced by L. Jones, Ripley, Lambert, Barrett, Black, Everett, Heinert, Ross, Witt, Maedje, Hendrick, Stahl, referred to Taxation.  
**HB 555**, introduced by Caferro, Henry, B. Olson, Roberts, referred to Human Services.  
**HB 556**, introduced by Noonan, referred to Human Services.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 240**, introduced by Cooney, referred to Appropriations.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Golie in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 447** - Representative Gallik moved **HB 447** do pass.

**HB 447** - Representative Gallik moved **HB 447**, second reading copy, be amended as follows:

1. Page 6, line 10.

**Strike:** "59,131"

**Insert:** "59,474"

2. Page 7, line 1.

**Strike:** "26,619"

**Insert:** "31,762"

3. Page 7, line 3.

**Strike:** "28,874"

**Insert:** "26,874"

4. Page 7, line 14.

**Strike:** "93,791"

**Insert:** "93,793"

5. Page 7, line 20.

**Strike:** "16,839"

**Insert:** "16,389"

6. Page 7, line 30.

**Strike:** "30,912"

**Insert:** "30,910"

7. Page 9, line 27.

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**Strike:** "25,598"

**Insert:** "23,565"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Butcher, Everett, Hawk, Sales.

Total 4

Voted Absentee: Bixby, Driscoll, Galvin-Halcro, Ayes.

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

**HB 447** - Representative D. Brown moved **HB 447**, second reading copy, be amended. Amendment **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Voted Absentee: Balyeat, Aye; Driscoll, Galvin-Halcro, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 447** - Representative D. Brown moved **HB 447**, second reading copy, be further amended. Amendment failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice,

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Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Voted Absentee: Balyeat, Aye; Driscoll, Galvin-Halcro, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 447** - Representative Gallik moved **HB 447**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Malcolm, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Waitschies, Wells, Witt.

Total 18

Voted Absentee: Balyeat, Driscoll, Galvin-Halcro, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 35** - Representative Jent moved **HB 35** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 84

Noes: R. Brown, Butcher, Everett, Jayne, Juneau, Koopman, McGillvray, McKenney, Mendenhall, Morgan, Rice, Sales, Sinrud, Stahl, Wells, Witt.

Total 16

Voted Absentee: Balyeat, Driscoll, Galvin-Halcro, Wilson, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Golie moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Barrett, Butcher, Everett, Heinert, Koopman, Maedje, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Wells, Witt.  
Total 16

Excused: Balyeat, Driscoll, Galvin-Halcro.  
Total 3

Absent or not voting: Glaser, Golie, Wilson, Windham.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 227** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 93

Noes: None.  
Total 0

Excused: Balyeat, Bixby, Driscoll, Galvin-Halcro.  
Total 4

Absent or not voting: Andersen, Jopek, Witt.  
Total 3

**HB 262** passed as follows:

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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 93

Noes: Jayne.  
Total 1

Excused: Balyeat, Bixby, Driscoll, Galvin-Halcro.  
Total 4

Absent or not voting: Himmelberger, Witt.  
Total 2

**HB 377** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: R. Brown, Everett, Hawk, Heinert, Jayne, Koopman, McNutt, Milburn, Rice, Sales, Sinrud, Waitschies, Wanzenried, Wells.  
Total 14

Excused: Balyeat, Bixby, Driscoll, Galvin-Halcro.  
Total 4

Absent or not voting: Witt.  
Total 1

**MOTIONS**

Dem. Floor Leader Parker moved that HB 35 be re-referred to the Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 529 be re-referred from the Taxation Committee to the Human Services Committee. Without objection, so ordered.

Dem. Leader Wanzenried moved to suspend the rules and place HB 447 on 3rd Reading on Saturday, February 5, 2005. Motion carried.

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

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Noes: Andersen, Butcher, Everett, Hawk, Koopman, Lake, Mendenhall, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Stahl, Taylor, Wells, Witt.  
Total 17

Excused: Balyeat, Driscoll, Galvin-Halcro.  
Total 3

Absent or not voting: Caferro, Harris, Malcolm.  
Total 3

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 220, HB 371, HB 411. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, February 5, 2005. Motion carried.

House adjourned at 2:58 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana  
February 5, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Entertainment was provided by the Trinitas Choir from the College of Great Falls

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

2/5/2005

Correctly printed: **HB 73, HB 281, HB 425, HB 441.**

Correctly engrossed: **HB 24, HB 25, HB 26, HB 105, HB 156, HB 203, HB 230, HB 245, HB 249, HB 285, HB 344, HB 349, HB 356, HB 363, HB 401, HB 409, HB 447, HB 457.**

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

2/5/2005

**HB 337**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "OF MONTANA"

**Insert:** "OR ITS AFFILIATES"

**Following:** "STATE UNIVERSITY"

**Insert:** "OR ITS AFFILIATES"

2. Page 1, line 16.

**Following:** "of Montana"

**Insert:** "or its affiliates"

**Following:** "state university"

**Insert:** "or its affiliates"

And, as amended, do pass. Report adopted.

**HB 390**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/5/2005

**HB 243**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "CONVICTION"

**Insert:** "A PLEA OR VERDICT OF GUILTY"

2. Title, page 1, line 9.

**Strike:** "IMMEDIATE"

3. Page 2, line 9.

**Strike:** "on passage and approval"

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**Insert:** "July 1, 2005"

And, as amended, do pass. Report adopted.

**HB 307**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "known to be"

**Insert:** "that the person knows are"

2. Page 1, line 19.

**Following:** "proceeds"

**Insert:** "that the person knows are"

3. Page 1, line 23 through line 24.

**Strike:** "imprisoned" on line 23 through "years" on line 24

**Insert:** "fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. If the money laundering is part of a common scheme or if the value of the proceeds or item of value exceeds \$1,000, the person shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 20 years, or both"

4. Page 1, line 27.

**Following:** "money,"

**Insert:** "including digital currency, and"

5. Page 2, line 4.

**Insert:** "(4) For purposes of this section, "digital currency" means money represented by digital information that is stored, spent, and transferred electronically by a person as part of a financial transaction."

And, as amended, do pass. Report adopted.

**HB 367**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/5/2005

**SB 170**, introduced by Mangan

**SB 196**, introduced by Wheat

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 557**, introduced by Butcher, referred to Business and Labor.



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**HB 558**, introduced by Himmelberger, referred to State Administration.  
**HB 559**, introduced by Lake, referred to Business and Labor.  
**HB 560**, introduced by Clark, referred to Fish, Wildlife and Parks.  
**HB 561**, introduced by Jayne, Windy Boy, Facey, Groesbeck, Toole, Campbell, Gillan, Raser, Kaufmann, Gallus, Weinberg, Windham, Small-Eastman, Caferro, Jopek, Roush, Wanzenried, Williams, Gutsche, Ellingson, Dowell, referred to Judiciary.  
**HB 562**, introduced by Franklin, referred to Judiciary.  
**HB 563**, introduced by Dowell, Elliott, Clark, Wanzenried, Jent, Wheat, Jacobson, Roberts, Raser, Juneau, Wilson, Jopek, Tester, Groesbeck, Campbell, referred to Business and Labor.  
**HB 564**, introduced by Witt, referred to Fish, Wildlife and Parks.  
**HB 565**, introduced by Cohenour, Campbell, Franklin, Hamilton, Jacobson, Clark, Groesbeck, Parker, Henry, Wiseman, Golie, McAlpin, Becker, Eaton, Wilson, Branae, Small-Eastman, Villa, Harris, Gallik, Stahl, referred to Business and Labor.  
**HB 566**, introduced by Cohenour, referred to Transportation.  
**HB 567**, introduced by Windham, Clark, Wiseman, Becker, Driscoll, Harris, Parker, Noonan, Dowell, Taylor, referred to Business and Labor.  
**HB 568**, introduced by Jackson, referred to Natural Resources.  
**HB 569**, introduced by McNutt, Ripley, Black, Branae, Gillan, referred to Taxation.  
**HB 570**, introduced by Kaufmann, referred to State Administration.  
**HB 571**, introduced by Wagman, Koopman, Hawk, Lange, Himmelberger, Barrett, A. Olson, Butcher, R. Brown, Warden, Klock, L. Jones, Lambert, Ward, Sonju, Morgan, Malcolm, Taylor, Sinrud, Everett, Andersen, McGillvray, Mendenhall, Milburn, referred to Taxation.  
**HB 572**, introduced by Sales, referred to Taxation.  
**HB 573**, introduced by Dowell, Jopek, Wanzenried, Windham, referred to Agriculture.  
**HB 574**, introduced by Branae, referred to Education.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 57** - Representative Harris moved **HB 57** do pass.

**HB 57** - Representative Maedje moved **HB 57**, second reading copy, be amended as follows:

1. Page 10, line 30.

**Following:** "section."

**Insert:** "This subsection does not apply to an order to pay private response costs."

2. Page 21, line 6.

**Strike:** "and private response costs"

3. Page 21, line 7 through line 8.

**Strike:** "and private" on line 7 through "response costs" on line 8

**Following:** "department" on line 8

**Insert:** "and may require the payment of private response costs, including interest"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert,

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Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Lange moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: R. Brown, Butcher, W. Jones, Maedje, Stahl.

Total 5

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Harris moved **HB 57**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 42

Voted Absentee: Furey, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 46** - Representative Parker moved **HB 46** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Balyeat, Barrett, Bixby, Butcher, Caferro, Jayne, Juneau, Kaufmann, Klock, Lambert, Maedje, Mendenhall, Rice, Ripley, Sales, Stahl, Taylor, Witt.  
Total 18

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 253** - Representative Harris moved **HB 253** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Sonju, Villa, Wanzenried, Ward, Windham, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Wilson, Windy Boy, Witt.  
Total 46

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**HB 92** - Representative B. Olson moved **HB 92** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Mr. Speaker.

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Total 50

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Windham, Wiseman, Witt.

Total 49

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 98** - Representative Lange moved **HB 98** do pass.

**HB 98** - Representative Maedje moved **HB 98**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, Bergren, Bixby, Butcher, Caferro, Campbell, Driscoll, Everett, Furey, Gallik, Glaser, Golie, Groesbeck, Hamilton, Heinert, Jayne, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lindeen, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Noonan, A. Olson, Rice, Ripley, Small-Eastman, Stahl, Taylor, Windy Boy, Witt, Mr. Speaker.

Total 41

Noes: Andersen, Becker, Branae, D. Brown, R. Brown, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Galvin-Halcro, Grinde, Gutsche, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Kaufmann, Lake, Lange, Lenhart, MacLaren, McAlpin, McGillvray, Milburn, Morgan, Musgrove, Noennig, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman.

Total 59

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 98** - Representative Lange moved **HB 98**, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, McAlpin, McGillvray, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman.

Total 67

Noes: Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Driscoll, Golie, Groesbeck, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Musgrove, Noonan, Peterson, Rice, Ripley, Sesso, Stahl, Windy Boy, Witt, Mr. Speaker.

Total 33

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Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 99** be passed for the day. Motion carried.

**HB 104** - Representative Lenhart moved **HB 104** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Butcher, Everett, Hawk, Koopman, Maedje, Mendenhall, Rice, Sales, Sinrud, Taylor, Wells.  
Total 11

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 182** - Representative Roberts moved **HB 182** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: R. Brown, Everett, Gallik, Koopman, Rice, Sales, Stahl, Taylor, Wells, Witt.  
Total 10

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 213** - Representative Gallik moved **HB 213** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan,

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Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Andersen, R. Brown, Everett, Koopman, Malcolm, Mendenhall, Sales, Sinrud, Taylor, Wells.  
Total 10

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 234** - Representative Lange moved **HB 234** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: W. Jones.  
Total 1

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 336** - Representative Lange moved **HB 336** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 93

Noes: Everett, Koopman, MacLaren, Rice, Sales, Wells, Witt.  
Total 7

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Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 400** - Representative Keane moved **HB 400** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Warden, Wells, Witt.  
Total 31

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 79** - Representative Golie moved **HB 79** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Maedje, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 37

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 192** - Representative Waitschies moved **HB 192** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, Buzzas, Cohenour, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Jackson, Jacobson, Jent,

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W. Jones, Jopek, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Mr. Speaker.  
Total 60

Noes: Becker, Bixby, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Everett, Franklin, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hendrick, Hiner, Jayne, L. Jones, Juneau, Keane, Koopman, Lange, Maedje, Musgrove, Noonan, Peterson, Rice, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Warden, Wells, Windy Boy, Wiseman, Witt.  
Total 40

Voted Absentee: Furey, Aye; Bixby, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 197** - Representative Jayne moved **HB 197** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Everett, Furey, Jent, Koopman, Malcolm, Mendenhall, Rice.  
Total 7

Voted Absentee: Bixby, Small-Eastman, Ayes; Furey, No.

Excused: None.  
Total 0

Absent or not voting: L. Jones, McAlpin, Noennig.  
Total 3

**HB 208** - Representative Kaufmann moved **HB 208** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Musgrove, Noonan, Parker, Raser, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Stahl, Taylor, Wagman, Waitschies, Witt.  
Total 36

Voted Absentee: Bixby, Furey, Small-Eastman, Ayes.



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 280** be passed for the day. Motion carried.

**HB 297** - Representative Wiseman moved **HB 297** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Maedje.  
Total 1

Voted Absentee: Bixby, Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Butcher, Jayne, Keane, Maedje, Sales, Sinrud, Wells.  
Total 7

Excused: Bixby, Furey, Small-Eastman.  
Total 3

Absent or not voting: Himmelberger, L. Jones, McAlpin, Rice.  
Total 4

**THIRD READING OF BILLS**

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 447** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Lake, Malcolm, Rice, Sales, Sinrud, Stahl, Taylor, Waitschies, Wells, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 220** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 371** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

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Noes: Gutsche, Jayne, Morgan.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 411** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HB 57 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 79 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 192 be re-referred to the House Appropriations Committee. Rep. Waitschies opposed the motion.

Motion failed as follows:

Ayes: Arntzen, Balyeat, Barrett, R. Brown, Butcher, Buzzas, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Jacobson, Jayne, L. Jones, Juneau, Kaufmann, Keane, Koopman, Lange, Maedje, McNutt, Musgrove, Noonan, Peterson, Rice, Ripley, Sales, Sesso, Sonju, Stahl, Taylor, Villa, Wagman, Wiseman, Witt.  
Total 36

Noes: Andersen, Becker, Bergren, Branae, D. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, W. Jones, Jopek, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sinrud, Stoker, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 61

Excused: Bixby, Furey, Small-Eastman.

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Total 3

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved that HB 336 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 471 be re-referred to the Select Committee on Education. Without objection, so ordered.

Rep. House Leader Brown moved that HB 208 be re-referred to the Natural Resource Committee. Rep. Kauffman objected.

Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 46

Excused: Bixby, Furey, Small-Eastman.

Total 3

Absent or not voting: Everett, Harris, McAlpin, Sonju.

Total 4

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, February 7, 2005. Motion carried.

House adjourned at 12:34 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 7, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. McGillvray. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Harris, Jent, and L. Jones, excused. Quorum present.

Speaker Matthews introduced the following pages: Emily Bowers, Livingston; Kathleen Knisely, Libby; Connor McGillvray, Billings; Paul Nelson, Deer Lodge; Anne Sherwood, Helena; Darby Smith, Boulder; and Sam Williams, Missoula.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 2/7/2005  
Correctly printed: **HB 367, HB 390.**  
Correctly engrossed: **HB 57, HB 243, HB 307, HB 337.**

**HUMAN SERVICES** (Becker, Chairman): 2/7/2005  
**HB 64**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROVIDING"

**Insert:** "AN EFFECTIVE DATE AND"

2. Page 1, line 14.

**Strike:** "ordinarily"

**Insert:** "routinely"

**Following:** "treats"

**Insert:** "or has routinely treated within the previous 5 years"

3. Page 1, line 15.

**Following:** "or is"

**Insert:** "or was within the previous 5 years"

4. Page 1, line 22.

**Following:** line 21

**Strike:** "in the same or a similar community"

5. Page 1, line 28 through line 30.

**Following:** "unless" on line 28

**Strike:** ", " on line 28 through "(1)(b)," on line 30

6. Page 2, line 1.

**Following:** "similar."

**Insert:** "This subsection (3) does not apply if the subject matter of the malpractice claim against the health care provider is unrelated to the relevant specialty or subspecialty."

7. Page 2, line 2.

**Following:** section 1

**Insert:** "NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005."

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**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):  
**HB 22**, introduced bill, be amended as follows:

2/7/2005

1. Title, page 1, line 8.

**Following:** "CONSERVATION;"

**Strike:** "REQUIRING"

**Insert:** "ALLOWING"

**Following:** "REEXAMINATION"

**Insert:** ", PRIOR TO THE ISSUANCE OF A FINAL DECREE,"

**Strike:** "IRRIGATION"

2. Title, page 1, line 17.

**Following:** "ESTABLISHING"

**Strike:** "A STATUTORY APPROPRIATION"

**Insert:** "THE AMOUNT OF REVENUE ALLOCATED EACH YEAR FROM THE ACCOUNT"

3. Title, page 1, line 21.

**Following:** "PROVIDING THE"

**Strike:** "BASIS"

**Insert:** "PROCESS"

**Following:** "FOR"

**Strike:** "REQUIRING"

**Following:** "EXAMINATION OF"

**Strike:** "IRRIGATION"

4. Title, page 1, line 22.

**Following:** "BASINS"

**Insert:** "PRIOR TO THE ISSUANCE OF A FINAL DECREE"

**Strike:** "17-7-502,"

5. Page 1, line 27 through page 2, line 9.

**Strike:** subsections (1) through (4) in their entirety

**Renumber:** subsequent subsections

6. Page 2, line 13.

**Strike:** "all irrigation"

7. Page 2, line 14.

**Following:** "rules"

**Insert:** "when the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

8. Page 2, line 15.

**Strike:** "accurate"

**Insert:** "enforceable"

9. Page 2, line 17.

**Following:** "basins"

**Insert:** "for which the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

10. Page 2, line 28.

**Strike:** "18,800 irrigation"

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**Insert:** "98,000"

**Strike:** "must"

**Insert:** "may"

11. Page 2, line 29.

**Following:** "rules"

**Insert:** "if the water court receives a petition and issues an order as provided in [section 9] or the water court issues an order on its own initiative"

12. Page 3, line 11.

**Strike:** the second "Total Number of"

13. Page 3, line 12.

**Strike:** "Claims Reexamined"

14. Page 3, line 13.

**Strike:** "10,000"

**Insert:** "8,000"

**Strike:** "0"

15. Page 3, line 14.

**Strike:** "30,650"

**Insert:** "19,000"

**Strike:** "0"

16. Page 3, line 15.

**Strike:** "51,300"

**Insert:** "31,000"

**Strike:** "0"

17. Page 3, line 16.

**Strike:** "57,000"

**Insert:** "44,000"

**Strike:** "7,140"

18. Page 3, line 17.

**Following:** "June 30, 2015"

**Insert:** "57,000"

**Strike:** "18,800"

19. Page 3, line 25.

**Following:** "provisional permit,"

**Insert:** "or"

20. Page 3, line 26.

**Following:** "department"

**Strike:** ", "

**Strike:** "water reservation"

**Insert:** "that portion of a water reservation that has been put to beneficial use. This definition applies only to the use of the term for the purposes of assessing the fee and [sections 1 through 10]"

21. Page 5, line 11.

**Following:** "used for"

**Insert:** "irrigation purposes or for"

22. Page 5, line 24.

**Following:** "withdrawn"

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**Strike:** ", "  
**Insert:** "or"  
**Following:** "terminated"  
**Strike:** ", or otherwise abandoned"

23. Page 6, line 4.  
**Following:** "beneficial use"  
**Insert:** "after notifying each entity enumerated on the water right"

24. Page 6, line 8 through line 9.  
**Strike:** "statutorily" on line 8 through "17-7-502," on line 9  
**Insert:** "allocated"

25. Page 6, line 11.  
**Following:** "program."  
**Insert:** "These funds may not be used for the purpose of updating or maintaining a computer database."

26. Page 6, line 12 through line 13.  
**Strike:** "statutorily" on line 12 through "17-7-502," on line 13  
**Insert:** "allocated"

27. Page 6.  
**Following:** line 15  
**Insert:** "(c) The allocations in subsections (2)(a) and (2)(b) are subject to appropriation by the legislature."

28. Page 7, line 4.  
**Strike:** "statutorily appropriated"  
**Insert:** "allocated"

29. Page 7, line 6.  
**Following:** "Examination of"  
**Strike:** "irrigation"

30. Page 7, lines 6 through 12.  
**Following:** "(1)"  
**Strike:** "The" on line 6 through "basin." on line 12

**Insert:** "At any time prior to the issuance of a final decree, in basins that were evaluated using the verification process rather than the examination process, the owners of water rights in the basin or a specified area in the basin may petition the water court to examine claims in the basin or an area in the basin pursuant to the supreme court rules.

(2) The owners of at least 15% of the number of water rights affected by the proposed reexamination shall sign the petition.

(3) At a minimum, the petition must provide:

(a) the specific water right purpose or water right purposes to be examined; and

(b) the elements to be examined.

(4) (a) The water judge shall evaluate each petition and determine if reexamination is necessary to provide greater accuracy to the adjudication.

(b) The water judge may request public comment on the petition.

(5) If the water judge determines reexamination should be conducted, the water judge shall issue an order that provides:

(a) what water right purpose or water right purposes must be examined by the department;

(b) the elements to be examined;

(c) final disposition of the reexamination information developed by the department; and

(d) the timeframe in which the reexamination must be completed.

(6) The water court may issue an order requiring reexamination on its own initiative. The order must provide the information contained in subsection (5).

(7) Upon receipt of the reexamination information from the department, the water court shall notify the



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users in the basin or the specified area in the basin identified in the petition of the final results of the reexamination and shall notify them regarding further steps or actions being taken as a result of the reexamination.

(8) Any actions taken as a result of the reexamination must be conducted in accordance with this part."

31. Page 8, line 9 through page 9, line 9.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

32. Page 10, line 5.

**Strike:** "all irrigation"

**Following:** "examined"

**Insert:** "as ordered by the water court"

33. Page 10, line 14.

**Following:** "examined"

**Insert:** "for which the water court has received a petition and has determined that examination is necessary as provided in [section 9] or the water court has issued an order for reexamination on its own initiative"

34. Page 11, line 26.

**Strike:** "only"

35. Page 11, line 27.

**Strike:** "irrigation"

**Insert:** "types of"

**Following:** "basin"

**Insert:** "that were identified in the petition as provided in [section 9] or the types of claims identified in an order that the water court issued on its own initiative"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/7/2005

**SB 55**, introduced by Tash

**SB 119**, introduced by Schmidt

**SB 137**, introduced by Lewis

**SB 153**, introduced by Cobb

**SB 156**, introduced by Cooney

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 575**, introduced by Keane, referred to Fish, Wildlife and Parks.

**HB 576**, introduced by Keane, referred to Taxation.

**HB 577**, introduced by McAlpin, referred to Judiciary.

**HB 578**, introduced by Small-Eastman, referred to Education.

**HB 579**, introduced by Small-Eastman, referred to Natural Resources.

**HB 580**, introduced by Jopek, referred to Local Government.

**HB 581**, introduced by Gutsche, Harris, referred to Natural Resources.

**HB 582**, introduced by Gutsche, referred to Natural Resources.

**HB 583**, introduced by Facey, referred to Transportation.

**HR 584**, introduced by Harris, Hendrick, Gillan, Jent, Lenhart, Hawks, Dickenson, Hamilton, Maedje, Warden, Henry, Gutsche, Groesbeck, Matthews, Villa, Eaton, Wiseman, Parker, Furey, Bixby, Small-Eastman, Windham, Williams, Noonan, Jacobson, Sonju, Wanzenried, Musgrove, Facey, Dowell, Becker, McAlpin, Campbell, Grinde,

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Branæ, Toole, Franklin, Cooney, Windy Boy, Tester, Stahl, Laslovich, Lindeen, Golie, Wilson, Gallik, Keane, Bergren, Driscoll, Jopek, referred to Taxation.

**HR 585**, introduced by Parker, Morgan, Stoker, Ward, Campbell, Windham, referred to Judiciary.

**HR 586**, introduced by Grinde, Parker, Lange, Gillan, Mangan, A. Olson, referred to State Administration.

**HR 587**, introduced by Bergren, Wagman, referred to State Administration.

**HR 588**, introduced by Matthews, referred to Human Services.

**HB 589**, introduced by Stahl, Gebhardt, Villa, Butcher, Bergren, Everett, Wanzenried, Kitzenberg, Keenan, Lenhart, Harris, Lange, Jacobson, Lewis, Cocchiarella, Malcolm, Stoker, Klock, Barrett, Bixby, Facey, Callahan, Black, Cooney, Witt, Musgrove, Smith, Gillan, Roush, Lake, Windy Boy, Ward, Driscoll, Jent, Warden, Larson, Kaufmann, Andersen, Matthews, Ripley, Parker, Heinert, Hansen, Juneau, Himmelberger, Tester, Noonan, Gallik, L. Jones, W. Jones, Toole, Milburn, referred to Business and Labor.

**HJR 17**, introduced by McAlpin, referred to Education.

**HJR 18**, introduced by Himmelberger, Hendrick, MacLaren, Lambert, Butcher, Lange, Koopman, Wagman, Witt, R. Brown, Ripley, Ward, B. Olson, Morgan, McGillvray, Barrett, D. Brown, Lake, Heinert, Andersen, Klock, Jackson, referred to Natural Resources.

**HJR 19**, introduced by Matthews, referred to Human Services.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will stand in recess until 1:35 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 24** - Representative Golie moved **HB 24** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branæ, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Balyeat, Butcher, Gallik, Jayne, Stahl.

Total 5

Voted Absentee: Harris, Jent, Ayes.

Excused: L. Jones.

Total 1

Absent or not voting: Mendenhall.

Total 1

**HB 324** - Representative Driscoll moved **HB 324** do pass.

**HB 324** - Representative Sonju moved **HB 324**, second reading copy, be amended as follows:

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1. Page 1, line 26.

**Strike:** "\$1,000"

**Insert:** "\$500"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 48

Voted Absentee: Harris, Jent, Noes.

Excused: L. Jones.

Total 1

Absent or not voting: None.

Total 0

**HB 324** - Representative Lange moved **HB 324**, second reading copy, be further amended as follows:

1. Page 1, line 28 through line 29.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 48

Voted Absentee: L. Jones, Aye; Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 324** - Representative Wagman moved **HB 324**, second reading copy, be further amended as follows:

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2. Page 1, line 26 through line 27.

**Strike:** "\$1,000" on line 26 through "both" on line 27

**Insert:** "\$100"

Rep. Parker moved to segregate HB 324-3 into amendment 1 and 2.

Amendment 1 of HB 324-3 **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Voted Absentee: L. Jones, Aye; Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Amendment 2 of HB 324 -3 adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 49

Voted Absentee: L. Jones, Aye; Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 324** - Representative Bergren moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen,

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MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: R. Brown, Glaser, Heinert, Koopman, Lange, Maedje, McKenney, Mendenhall, Morgan, Sinrud, Sonju, Wagman, Wells.  
Total 13

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 324** - Representative Driscoll moved **HB 324**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Voted Absentee: Harris, Jent, Ayes; L. Jones, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Klock, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Peterson, Rice, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Wells, Witt.  
Total 33

Voted Absentee: Galvin-Halcro, Aye.

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Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: Grinde, Hawk, Koopman, Roberts.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 46** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, W. Jones, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, Bixby, Butcher, Caferro, Heinert, Jayne, Jopek, Juneau, Kaufmann, Lambert, Mendenhall, Rice, Ripley, Sales, Stahl, Witt.  
Total 17

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 92** failed as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Waitschies, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wiseman, Witt.  
Total 50

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 98** passed as follows:

Ayes: Andersen, Arntzen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Hawk,

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Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, McAlpin, McGillvray, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 67

Noes: Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Dowell, Golie, Groesbeck, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Musgrove, Noonan, Peterson, Rice, Ripley, Sesso, Stahl.  
Total 30

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 104** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Andersen, Balyeat, Butcher, Everett, Hawk, Himmelberger, Koopman, Mendenhall, Rice, Sales, Sinrud, Stahl, Taylor, Wells, Witt.  
Total 15

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 182** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Gallik, Koopman, Rice, Sales, Sinrud, Stahl, Taylor, Wells, Witt.  
Total 9

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.

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Total 0

**HB 192** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bixby, Branae, D. Brown, Caferro, Cohenour, Eaton, Facey, Gallik, Galvin-Halcro, Glaser, Grinde, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, W. Jones, Kaufmann, Klock, Lake, Lambert, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sonju, Stoker, Wagman, Waitschies, Wanzenried, Ward, Mr. Speaker.

Total 51

Noes: Arntzen, Becker, Bergren, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Everett, Franklin, Furey, Golie, Groesbeck, Gutsche, Hiner, Jayne, Jopek, Juneau, Keane, Koopman, Lange, Lenhart, Maedje, Mendenhall, Milburn, Musgrove, Noonan, Rice, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 46

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

**HB 197** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 89

Noes: Everett, Koopman, Malcolm, Mendenhall, Rice, Sales, Wagman, Witt.

Total 8

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

**HB 213** passed as follows:

Ayes: Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Andersen, Arntzen, Balyeat, R. Brown, Everett, Himmelberger, Klock, Koopman, Malcolm, Mendenhall, Morgan, Sales, Sinrud, Stahl, Taylor, Warden, Wells.

Total 17



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Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: Bixby.  
Total 1

**HB 234** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 253 failed** as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Eaton, Facey, Furey, Gallik, Grinde, Gutsche, Hamilton, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noennig, Noonan, Sesso, Small-Eastman, Villa, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 34

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Dowell, Driscoll, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Witt.  
Total 63

Excused: Harris, Jent, L. Jones.  
Total 3

Absent or not voting: None.  
Total 0

**HB 297** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor,

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Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat.

Total 1

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

**HB 400** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, Rice, Ripley, Sales, Sinrud, Taylor, Wagman, Warden, Wells.

Total 28

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to reconsider actions taken on HB 79. Without objection, so ordered. HB 79 remains in 3rd Reading process.

Rep. Campbell moved to change her vote on HB 297 3rd Reading to an aye vote. Without objection, so ordered.

Rep. Golie moved to reconsider previous action on HB 208 and move to 3rd Reading on February 8, 2005.

Rep. Parker and Rep. Lange did not agree on the use of proxies. Speaker Matthews stated the House would stand at ease to resolve this issue.

Dem. Floor Leader Parker announced that for today only, proxies would be allowed for those not present.

Motion to reconsider previous action on HB 208 passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin,

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McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 48

Voted Absentee: Harris, Jent, Ayes; L. Jones, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HB 208 remains in 3rd Reading process.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Tuesday, February 8, 2005. Motion carried.

House adjourned at 3:02 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana  
February 8, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Henry. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Malcolm, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/8/2005  
Correctly engrossed: **HB 22, HB 64, HB 324.**

**HUMAN SERVICES** (Becker, Chairman): 2/8/2005  
**HB 60**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "METHAMPHETAMINE;"

**Insert:** "PROVIDING FOR RULEMAKING AUTHORITY TO CHANGE THE STANDARD OR TO ADOPT  
SIMILAR STANDARDS FOR PRECURSORS TO METHAMPHETAMINE TO PROTECT HUMAN  
HEALTH;"

**Strike:** "PUBLIC HEALTH AND HUMAN SERVICES"

**Insert:** "ENVIRONMENTAL QUALITY"

2. Page 1, line 25.

**Strike:** "public" through "2-15-2201"

**Insert:** "environmental quality provided for in 2-15-3501"

3. Page 2, line 6.

**Following:** "standards"

**Insert:** "-- rulemaking authority"

4. Page 2, line 8.

**Following:** "material"

**Insert:** "unless a different standard is adopted by the department by rule to protect human health. The department  
may adopt standards by rule for precursors to methamphetamine that are consistent with the standard for  
methamphetamine"

5. Page 3, line 1.

**Following:** "property"

**Insert:** "-- immunity"

**Following:** "."

**Insert:** "(1)"

6. Page 3, line 6.

**Insert:** "(2) An owner or an owner's agent who provides the notification or who has submitted documentation to  
the department that the inhabitable property has been remediated to the standards established in [section 3]  
by a contractor who is certified in accordance with [section 4] is not liable in any action based on the  
presence of methamphetamine in an inhabitable property."

7. Page 3, line 12.

**Strike:** "upon request"

**Insert:** "through a website"

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8. Page 3, line 19.

**Insert:** "(4) Notwithstanding any other provision of law, once an inhabitable property has been removed from the list required in subsection (2), a property owner, landlord, or real estate agent is not required to report or otherwise disclose the past contamination."

And, as amended, do pass. Report adopted.

**HB 452**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "ENSURE"

**Insert:** "REQUEST A WAIVER OF FEDERAL MEDICAID LAW SO"

2. Title, line 10.

**Strike:** "FULL REIMBURSEMENT"

**Insert:** "FEDERAL FINANCIAL PARTICIPATION"

3. Page 1, line 20.

**Following:** "1."

**Strike:** "Department" through "protect"

**Insert:** "Protection of"

4. Page 1, line 21.

**Strike:** "full reimbursement"

**Insert:** "federal financial participation"

5. Page 1, line 22.

**Following:** "program"

**Strike:** "-- field" through "services"

**Insert:** "and medicaid"

6. Page 1, line 22 through line 26.

**Following:** "(1)"

**Strike:** remainder of line 22 through "law." on line 26

**Insert:** "The department shall seek exemptions under federal medicaid law or regulations to protect Indian health services and tribal facilities from changes in eligibility categories, covered services, and reimbursement levels under the medicaid program that could potentially result in a direct shift of costs from the 100% federal medicaid matching available under medicaid to either Indian health services or tribally sponsored health care services."

7. Page 1, line 27.

**Strike:** ", at the request of a tribe"

**Insert:** "work with tribes"

8. Page 1, line 28.

**Strike:** "with the support of a tribe in Montana,"

**Insert:** "to"

9. Page 2, line 3 and line 4.

**Following:** "program"

**Strike:** remainder of line 3 through "cost-sharing" on line 4

**Insert:** "to leverage 100% federal financial participation for health care services to Indian children"

10. Page 2, line 6.

**Following:** "services"

**Strike:** "for"

**Insert:** "provided by and referred from an"

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**Strike:** "service-eligible Indians"  
**Insert:** "service"

11. Page 2, line 7.  
**Following:** "100%"  
**Insert:** "federal financial participation match under"  
**Strike:** "reimbursement rate"

12. Page 2, line 11.  
**Strike:** "Field reviews"  
**Insert:** "Reviews"

13. Page 3, line 5.  
**Strike:** "chapter 2, part 2" in both places  
**Insert:** "chapter 6, part 1" in both places

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):  
**HB 361**, introduced bill, be amended as follows:

2/8/2005

1. Page 2, line 11.  
**Following:** "mine."  
**Insert:** "For the purposes of this subsection, an existing private road may be classified as affected land only with the landowner's consent."

2. Page 11, line 13.  
**Following:** "completed"  
**Insert:** "some or"

3. Page 11, line 14.  
**Following:** "any"  
**Strike:** "a portion of the"  
**Insert:** "any"  
**Following:** "requirements."  
**Insert:** "If an operator includes this notification and a request for full or partial bond release in an annual report required under [section 1] that is filed by any deadline established by the board for filing annual reports, the department shall grant or deny the request within 8 months of the deadline for filing the annual report. Any denial must cite the specific obligation under this part not met by the operator."

And, as amended, do pass. Report adopted.

**HJR 10**, be adopted. Report adopted.

**TAXATION** (Waitschies, Chairman):  
**HB 439**, introduced bill, be amended as follows:

2/8/2005

1. Title, page 1, line 5.  
**Strike:** "DEDUCTION OR"

2. Page 1, line 25.  
**Strike:** "deduction or"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):  
**HB 451**, introduced bill, be amended as follows:

2/8/2005

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1. Title, line 5 through line 6.

**Following:** "CONSTRUCTION"

**Strike:** ", RECONSTRUCTION" on line 5 through "IMPROVEMENTS" on line 6

**Insert:** "AND CONSTRUCTION ENGINEERING PHASES OF PROJECTS ON THE URBAN HIGHWAY SYSTEM"

2. Title, line 9.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

3. Page 1, line 27.

**Strike:** "town,"

4. Page 1, lines 28 and 29.

**Strike:** ", reconstruction" on line 28 through "improvements" on line 29

**Insert:** "and construction engineering phases of projects on the urban highway system"

5. Page 2, line 12.

**Strike:** "must be payable solely"

**Insert:** "are payable"

6. Page 2, line 13.

**Strike:** "from the federal highway administration"

7. Page 2, line 14.

**Following:** "improvements"

**Insert:** "or for improvements conducted as provided in 15-70-101(2)"

8. Page 2, lines 17 and 18.

**Strike:** "from the federal highway administration"

9. Page 2, line 30.

**Strike:** "town,"

10. Page 3, line 4.

**Strike:** "town,"

11. Page 3, lines 23 and 24.

**Strike:** "town," in both places

12. Page 3, line 29.

**Strike:** "17, chapter 5," in both places

**Insert:** "7, chapter 7," in both places

13. Page 4, line 1.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2006"

And, as amended, do pass. Report adopted.

**HB 475**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "ALLOWING A COUNTY GOVERNING BODY TO IMPOSE"

**Insert:** "REQUIRING A COUNTY TREASURER TO COLLECT"

2. Title, line 6.

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**Following:** "FUND;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, lines 19 through 22.

**Strike:** subsection (3)(a) in its entirety

**Insert:** "(3)(a) The county treasurer shall collect a surcharge of 10% of the appropriate fee required in subsection (1) in addition to the fee required in subsection (1) and all other taxes and fees required for motor homes under this chapter."

4. Page 2.

**Following:** line 23

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005."

And, as amended, do pass. Report adopted.

**HB 475**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "ALLOWING A COUNTY GOVERNING BODY TO IMPOSE"

**Insert:** "REQUIRING A COUNTY TREASURER TO COLLECT"

2. Title, line 6.

**Following:** "FUND;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, lines 19 through 22.

**Strike:** subsection (3)(a) in its entirety

**Insert:** "(3)(a) The county treasurer shall collect a surcharge of 10% of the appropriate fee required in subsection (1) in addition to the fee required in subsection (1) and all other taxes and fees required for motor homes under this chapter."

4. Page 2.

**Following:** line 23

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005."

And, as amended, do pass. Report adopted.

**HB 478**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "LICENSE"

**Insert:** ", "

**Strike:** "OR"

**Insert:** "COMMERCIAL DRIVER'S LICENSE,"

**Following:** "PERMIT"

**Insert:** ", OR STATE IDENTIFICATION CARD"

2. Title, line 8.

**Strike:** "TRANSPORTATION"

**Insert:** "JUSTICE"

3. Page 2, line 17.



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**Following:** "individual"

**Insert:** "who is under 26 years of age but at least 15 years of age who is"

4. Page 2, line 19.

**Following:** "permit"

**Insert:** ", "

**Strike:** "or"

**Strike:** "except a"

**Following:** "commercial driver's license"

**Insert:** ", or state identification card. If under 18 years of age but at least 15 years of age, an individual must be provided an opportunity to be registered by the selective service system upon attaining 18 years of age."

And, as amended, do pass. Report adopted.

**HJR 12**, introduced joint resolution, be amended as follows:

1. Page 1.

**Following:** line 21

**Insert:** "WHEREAS, commercial motor vehicles contribute to the state's economy and the operation of commercial motor vehicles should be considered when roundabouts are designed; and"

2. Page 1, line 22.

**Following:** "constructing"

**Insert:** "properly designed"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/8/2005

**SB 206**, introduced by Lewis

**SB 231**, introduced by Laslovich

**SB 235**, introduced by Mangan

**SB 260**, introduced by Perry

**SB 277**, introduced by Steinbeisser

**SB 314**, introduced by Larson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 590**, introduced by Buzzas, referred to State Administration.

**HB 591**, introduced by Jopek, Dowell, Weinberg, referred to Business and Labor.

**HB 592**, introduced by Waitschies, referred to Taxation.

**HB 593**, introduced by Koopman, R. Brown, Lange, Wells, Sinrud, Mendenhall, McGillvray, Warden, Wagman, Stahl, Butcher, referred to State Administration.

**HB 594**, introduced by Koopman, Mendenhall, Ripley, Butcher, Sinrud, Lange, Stahl, Warden, Wagman, Barrett, McGillvray, Ward, R. Brown, Wells, referred to Local Government.

**HB 595**, introduced by Juneau, referred to State Administration.

**HB 596**, introduced by Koopman, referred to Judiciary.

**HB 597**, introduced by A. Olson, referred to Fish, Wildlife and Parks.

**HB 598**, introduced by Gallik, Matthews, Lenhart, referred to Judiciary.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 105** - Representative Parker moved **HB 105** do pass.

**HB 105** - Representative Parker moved **HB 105**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ALLOWING"

**Insert:** "PROVIDING FOR"

2. Page 1, line 13.

**Strike:** "MAY"

**Insert:** "must"

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noonan, A. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, L. Jones, Koopman, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Taylor, Waitschies, Warden, Wells, Witt.  
Total 33

Voted Absentee: Malcolm, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 105** - Representative Parker moved **HB 105**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Waitschies, Wells, Witt.

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Total 37

Voted Absentee: Malcolm, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 295** - Representative Galvin-Halcro moved **HB 295** do pass.

**HB 295** - Representative Morgan moved **HB 295**, second reading copy, be amended as follows:

1. Page 1, line 22.

**Strike:** "\$5"

**Insert:** "\$2.25"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.

Total 96

Noes: Juneau.

Total 1

Excused: Malcolm.

Total 1

Absent or not voting: Wilson, Mr. Speaker.

Total 2

**HB 295** - Representative Galvin-Halcro moved **HB 295**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 68

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 32

Voted Absentee: Malcolm, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 298** - Representative Clark moved **HB 298** do pass. Motion carried as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.

Total 44

Voted Absentee: Malcolm, No.

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

**HB 26** - Representative Golie moved **HB 26** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Andersen, Balyeat, Gallik, Groesbeck, Jayne, Noennig, Rice, Ripley.

Total 8

Voted Absentee: Malcolm, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**HB 457** - Representative Noennig moved **HB 457** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan,

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Total 89

Noes: R. Brown, Butcher, Everett, Franklin, Golie, Henry, Hiner, Jackson, Sales, Sinrud, Warden.  
Total 11

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 301** - Representative Galvin-Halcro moved **HB 301** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Heinert, Koopman, Sinrud, Stahl, Ward.  
Total 6

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 347** - Representative Gutsche moved **HB 347** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McKenney, Mendenhall, Milburn, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 36

Voted Absentee: Furey, Aye; Malcolm, No.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 396** - Representative Becker moved **HB 396** do pass.

**HB 396** - Representative Becker moved **HB 396**, second reading copy, be amended as follows:

1. Page 3, line 9.  
**Strike:** "MAY NOT"  
**Insert:** "shall"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Furey, Aye.

Excused: Malcolm.  
Total 1

Absent or not voting: None.  
Total 0

**HB 396** - Representative Becker moved **HB 396**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Jayne.  
Total 1

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 409** - Representative Golie moved **HB 409** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 98

Noes: Koopman, Wiseman.

Total 2

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 348** - Representative Buzzas moved **HB 348** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 78

Noes: Barrett, R. Brown, Butcher, Hawk, Himmelberger, Jayne, Koopman, Lambert, Lange, Malcolm, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Witt.

Total 21

Voted Absentee: Furey, Aye; Malcolm, No.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**HB 203** - Representative Roberts moved **HB 203** do pass.

**HB 203** - Representative Matthews moved **HB 203**, second reading copy, be amended as follows:

1. Page 19, line 4.

**Following:** "supervision of"

**Insert:** "a dentist licensed in Montana or"

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Furey, Malcolm.

Total 2

Absent or not voting: Butcher, Grinde, Lange.

Total 3

**HB 203** - Representative Franklin moved **HB 203**, second reading copy, be amended as follows:

1. Page 7, line 7.

**Following:** "physician"

**Insert:** "under the conditions and limitations defined by law"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 91

Noes: R. Brown, Butcher, Koopman, Sales, Stahl, Witt.

Total 6

Excused: Furey, Malcolm.

Total 2

Absent or not voting: Wanzenried.

Total 1

**HB 203** - Representative Roberts moved **HB 203**, second reading copy, be amended as follows:

1. Page 34, line 19 through line 20.

**Following:** "a degree"

**Strike:** "that" on line 19 through "credit hours of" on line 20

**Insert:** "with"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher,



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Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Stahl.

Total 1

Excused: Furey, Malcolm.

Total 2

Absent or not voting: L. Jones.

Total 1

**HB 203** - Representative Roberts moved **HB 203**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: R. Brown, Butcher, Everett, Gallik, Hawk, Himmelberger, Koopman, Rice, Sales, Sinrud, Sonju, Stahl, Ward, Wells.

Total 14

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 134** - Representative Golie moved **HB 134** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Caferro, Everett, Jayne, Juneau, McGillvray, B. Olson, Stahl.

Total 7

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Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Jayne, Koopman, B. Olson, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells.  
Total 9

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: Butcher, Campbell, Himmelberger, MacLaren.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 24** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Butcher, Jayne, Stahl.  
Total 3

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: Sales, Windy Boy.

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Total 2

**HB 79** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Maedje, McGillvray, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.  
Total 33

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: None.  
Total 0

**HB 208** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Maedje, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Witt.  
Total 38

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HJR 19 be re-referred to the Business and Labor Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 588 be re-referred to the Business and Labor Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 134 be re-referred to the Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, February 9, 2005.  
Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2005

**HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 9, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wagman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Harris, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sgt.-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations' address from D. Fred Matt, Chairman of the Confederated Salish and Kootenai Tribes of the Flathead Nation. Motion carried.

The posting of the colors by the Mission Valley Honor Guard was followed by the Pledge of Allegiance. Faith Matt, the youngest daughter of Chairman Fred Matt and his wife, Tammy, sang the National Anthem. Tony Incashola, tribal member of the Pend d' Orielle Tribe of the Flathead Nation, gave the opening prayer.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify the Honorable Chairman Matt that the body was in joint session and ready to receive his address. Motion carried.

Senate President Tester appointed Senator Pease, Senator Cobb, Representative Jayne, and Representative Roberts to escort the Honorable Chairman Matt into the House Chamber.

The committee escorted Chairman Matt into the chambers.

Senate President Tester introduced Chairman Matt to the joint session. Chairman Matt made the following remarks:

"Thank you. President Tester, Speaker Matthews. Thank you for inviting me to speak to you today.

I am so proud of my daughter Faith and her beautiful voice and my wife Tammy, my daughter April and her fiancé Ryan and my mother-in-law Greta, who also join me today.

Thank you to the Mission Valley Honor Guard that presented the colors. You have represented our Nation well when you put yourself in harm's way and you continue to do so through your community service. We have a proud legacy as Indians have the highest percentage of military service of any ethnic group in the United States since World War II.

Thank you, Tony. Your words are so healing.

I just greeted President Bush in Great Falls. The cowboy hats outnumber the ties and that is even in Indian Country.

Honorable Governor Schweitzer, thank you. In your swearing in ceremony, you welcomed Indians to the Capitol. In fact, you invited us to come in through the front door and we have. You asked that we send you our "Best and Brightest" tribal members and we sent names. You have asked us to join your team in record numbers. Montana Indians have been appointed to your Cabinet, your staff and to Montana boards and commissions. Your effort is extraordinary. We hope it will be one of the many legacies as a result of you being the Governor.

Over the past couple of years, you sat with the seven Tribal Councils and asked for our support. You told us you

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would come back after you were elected...to save a seat for you in our tribal chambers.

Your trip with Attorney General Mike McGrath to consult with the Northern Cheyenne Tribes is historic. The Northern Cheyenne Tribes asked me to convey their sincere thank you for the position you have taken with the Tongue River.

For centuries, promises made to Indian people have been made but broken. You kept your promise and we are grateful.

Thank you, Lt. Governor Bolinger, who is not here today because he is in our national capital. I understand that your first official trip as Lt. Governor was to Blackfeet Country. That speaks volumes to your commitment to Indian people. Your presence and participation on issues important to us will be key over the next few years.

Thank you, distinguished members of the Senate and House of Representatives and in particular, our Native American legislators: Norma Bixby, Margaret Campbell, my representative Joey Jayne, Carol Juneau, Veronica Small-Eastman, Jonathan Windy Boy, and Senators Gerald Pease and Frank Smith. We look to you for leadership as the legislative session continues.

Blackfeet Chairman Allan Talks About, Chippewa Cree Chairman Chance Houle, Crow Chairman Carl Venne, Ft. Belknap is represented by Julia Doney, Ft. Peck Chairman Ray Eder, Northern Cheyenne Chairman Eugene Little Coyote, and Chairman John Sinclair from the Little Shell Band of Chippewa Tribe. Thank you, tribal leaders, for the honor to represent you as the Chairman of the Montana Wyoming Tribal Leaders Council.

On behalf of the Confederated Salish and Kootenai Tribes and the Tribal Nations across the state of Montana, I am honored to present the State of the Tribal Nations and I am proud to report our Indian Nations are strong and on the move.

Recently, the great Crow Nation changed their constitution and it had brought significant changes and opportunities for economic development and tapping the tribe's vast minerals with the purpose of creating jobs for their members and the state of Montana.

The Ft. Belknap Tribes developed an Aquatic Resource Protection Ordinance to support the nationwide goal of no net loss of wetlands.

The Ft. Peck Tribes are proud to report that they are active participants in state politics with the election of two tribal members, Representative Margaret Campbell and Senator Frank Smith. Senator Smith also represents the Tribes on the Ft. Peck Tribal Executive Committee.

The Blackfeet Tribal Nation will see nearly \$100,000,000 in road construction by the year 2009.

The Tribes at Rocky Boy are proud to report that they began to operate a Tribal Temporary Assistance for Needy Families Program in November 2004.

The Charles Russell painting that dominates this Chamber serves as reminder of the historic relationship between the Tribes and those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had the greatest impact on the Indian people, as our way of life was forever changed. In 1805, the Native American economy was strong. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system.

The mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross's Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitterroot Mountains to the Pacific Ocean.

Without our assistance, who knows what the outcome of the journey would have been. It was the first partnership between the tribes and those that came from other nations to escape religious persecution and economic disadvantage. Today, we begin another partnership. It is a new day in Montana. We look forward to working with the elected leaders in Helena for laws and policies that will strengthen our government-to-government relationship.

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During this legislative session, you will hear many ideas to help make Montana even better, yes, better than the last, best place as we know it.

As you deliberate on these idea, please consider the impact on the Indian Nations. Jobs are a top priority. Nowhere are jobs more needed than on Montana's reservation. Glacier and Rosebud counties have some of the highest unemployment rates across the state and nation. All but one Montana reservations have unemployment rates over 50%, some as high as 85%. If those rates were anywhere else in the state, an emergency would be declared. This is unacceptable and we must work together to fix it.

The fix begins by reauthorizing the Tribal Economic Development Commission for four more years. After a slow start, the Commission is beginning to make advances at bringing businesses and employment to our communities.

The Governor's budget recommends \$1 million for Economic Development in Indian Country. This is just a start, but much needed. I urge your support. Remember, the State of Montana cannot move ahead economically without bringing the poorest along, and in Montana, the poorest live on our reservations.

On Thursday, I had a chance to hear President George W. Bush speak about his plan for Social Security. He reports that it is in crisis and needs fixing. The people I represent just want a chance to pay social security taxes, through good paying jobs. We need your help to make that American Dream possible for each tribal member.

Education is another major issue facing this legislative session. Governor Schweitzer and Superintendent of Public Instruction Linda McCulloch unveiled a plan to provide an additional \$80 million to address Judge Sherlock's court order to ensure a basic system of quality education for Montana students. It includes funding for the Judge's order for Indian Education for All. This is a start. One that will allow the Tribes to create the needed infrastructure for this to be successful and tribal specific curriculums to be taught in all schools.

Let us remember, Indian Education for All is for all Montanans, not just Indians. It is only through education that the ignorance of our culture and values can start to address the unknown about tribal way of life that will help to end racism and discrimination. All Montanans will benefit and our state will be better and our citizens stronger.

I urge your support for House Bill 16, which provides funding for non-beneficiaries attending tribal colleges. I have wondered why the students that receive this funding are called non-beneficiaries, when in fact they receive the biggest benefit: a quality education while staying close to home and family.

Each of our seven reservations is home to nationally accredited institutions of higher learning. They are vital parts of our communities and the surrounding communities. These institutions are not just for tribal members but many non-Indians also attend, receiving nursing degrees to vocational certifications.

However, since the tribal colleges are funded based on the number of enrolled tribal members, they do not receive any funding for the non-Indians that attend. This bill would provide funding for the non-Indians students who attend these colleges. Yes, the non-beneficiaries. Thank you, Representative Rick Ripley from Wolf Point, Montana, for sponsoring this important legislation.

Healthcare is another issue of major significance to reservations. Medicaid redesign is a major issue of this 59<sup>th</sup> legislative session. Several bills have been introduced including one by Senator John Cobb that would authorize the submittal of a waiver to expand health care to uninsured Montanans. Another House Bill 452, to implement the Medicaid Redesign Team's recommendations for health programs for Indians. Medicaid and Children's Health Insurance Program are vital to many tribal members and I urge your careful consideration of this legislation.

Plans are being generated to spend the additional revenue generated from Initiative 149 including a program to ensure our tribal elders have access to prescription drugs. This is one of the most important services we can provide all senior citizens from across this state. Thank you, Senator Tester, for sponsoring this important legislation.

And please fully fund the Low Income Energy Heating Assistance Program. Don't have elders, the keepers of culture, and children have to make the decision: to heat or eat!

A number of bills have been introduced in the House and Senate, by Republicans and Democrats representing eastern and western Montana, from large cities and rural areas, to address the growing substance abuse problem in our state.

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This truly is a bipartisan effort as no one from Libby to Miles City or from Browning to Lame Deer can escape from the devastating effects of tobacco, alcohol abuse and methamphetamine. Nowhere is the problem more keenly felt than in our tribal communities. The disturbing effects on our families with the loss of life and the potential of many young people is indescribable.

The financial drain on our government is untold. The cost of social services, incarceration and court services are just a few impacts that can be identified. Please join with the group of lawmakers, such as Representative Don Roberts from Billings, to seek a coordinated and consolidated effort to address this problem.

On a tribal note, we extend a thank you to Senator Shockley for his sponsorship of Senate Bill 187 to provide "Full faith and credit for Salish and Kootenai Tribal fish and game citations." It will soon be transmitted to the House of Representatives after passing the Senate with nearly a unanimous vote of 49 in favor and only 1 dissenting vote.

Let us imagine a state without hunger, including our reservations. Let us imagine a state without poverty, including our reservations. Let us imagine a state without prejudice, including all people of color, race, gender, religion and sexual orientation. Let us imagine a state where all families do not fear a child getting sick and not being able to provide her care, including our reservations. Let us imagine a state where anyone who wants to work, can work, including our reservations.

Legislators, as you deliberate to make laws that govern our state, let Charlie Russell's painting remind you of your obligation to protect include Native people as we approach the 200<sup>th</sup> Anniversary of their meeting with the Salish. And let it begin, today. Lem Lech."

Chairman Matt and the body rose for the presentation of an Honor Song.

President Tester thanked Chairman Matt for his address and for the Honor Song. President Tester requested the committee escort Chairman Matt from the Joint Session.

Senate Majority Leader Ellingson moved that the Joint Session convened to receive the State of the Tribal Nations from the Honorable Chairman Matt be adjourned.

Joint Session adjourned at 2:50 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 2/9/2005  
Correctly printed: **HJR 10**.  
Correctly engrossed: **HB 60, HB 105, HB 203, HB 295, HB 361, HB 396, HB 439, HB 451, HB 452, HB 475, HB 478, HJR 12**.

**BUSINESS AND LABOR** (Keane, Chairman): 2/9/2005  
**HB 140**, introduced bill, be amended as follows:

1. Title, line 8.  
**Following:** "SERVICES;"  
**Insert:** "PROVIDING THE DEPARTMENT OF ADMINISTRATION WITH RULEMAKING AUTHORITY;"

2. Title, line 8.  
**Strike:** "AND"  
**Following:** "PENALTIES"  
**Insert:** "; REPEALING CERTAIN DEBT ADJUSTMENT LAWS; AND REPEALING SECTIONS 31-3-201, 31-3-202, AND 31-3-203, MCA"

3. Page 1, line 21.



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**Following:** ":",

**Strike:** "and"

4. Page 1, line 23.

**Following:** "accountant"

**Insert:** "; and

(d) debt collectors that do not advertise or hold themselves out as a credit counseling service"

5. Page 3, line 18.

**Following:** "plans"

**Insert:** "-- rulemaking authority"

6. Page 3, line 29 through line 30.

**Strike:** "a" on line 29 through "provided" on line 30

**Insert:** "a statement, in a prominent location in the plan in at least 10-point bold type, that either party may cancel the agreement without penalty at any time upon 10 days' notice and that a consumer who cancels an agreement is entitled to a refund of all unexpended funds that the consumer has paid to the credit counseling service as of the date of the notice"

7. Page 4, line 1.

**Strike:** "and"

8. Page 4, line 2.

**Following:** "resolved"

**Insert:** "; and

(g) a statement that the credit counseling service has a fiduciary duty to the consumer who is a party to a debt management plan"

9. Page 4, following line 6.

**Insert:** "(4) (a) A credit counseling service may not impose any fees or other charges on a consumer or receive any payment from a consumer or other person on behalf of a consumer except as allowed by this section.

(b) The fees or charges referred to in this subsection (4) include voluntary contributions and any other fees charged to or collected from a consumer or on behalf of a consumer.

(c) A credit counseling service may not charge an initial consultation fee that exceeds an amount set by the department by rule. The fee or portion of the fee may not be charged until the credit counseling service has complied with the provisions of this section.

(d) A credit counseling service may charge a monthly maintenance fee. In the absence of exceptional circumstances as defined in the department's rules, a credit counseling service may not have a total monthly fee in an amount that exceeds the amount set by the rules.

(e) A credit counseling service may not, as a condition of entering into a debt management plan, require a consumer to purchase for a fee a counseling session, an educational program, or materials and supplies.

(f) Fees charged for services other than credit counseling services must be fair and reasonable.

(g) If the credit counseling service imposes any fee or other charge or receives any funds or other payments not authorized by this section, except as a result of a bona fide error, the debt management plan is void and the credit counseling service shall return to the consumer all fees received from or on behalf of the consumer.

(5) Credit counseling services are prohibited from using hold harmless clauses, confessions of judgment, and waivers of the right to jury trials in debt management plans.

(6) The department may promulgate rules as necessary to implement the provisions of [sections 1 through 7], including setting fees."

10. Page 5, following line 7.

**Insert:** "NEW SECTION. Section 8. **Repealer.** Sections 31-3-201, 31-3-202, and 31-3-203, MCA, are repealed."

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**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 331**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "CASUALTY"

**Insert:** "MEDICAL MALPRACTICE"

2. Page 1, line 27.

**Strike:** "casualty"

**Insert:** "medical malpractice"

3. Page 2, line 4.

**Following:** "write"

**Strike:** "and"

**Insert:** "or"

**Strike:** "casualty"

**Insert:** "medical malpractice"

4. Page 2, line 6.

**Strike:** "casualty"

**Insert:** "medical malpractice"

5. Page 2, line 11.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

6. Page 2, line 17.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

7. Page 2, line 22.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

8. Page 2, line 24.

**Following:** "market"

**Insert:** "or with an eligible surplus lines insurer"

And, as amended, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):

2/9/2005

**HB 369**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "EXAMINATION"

**Insert:** "DURING THEIR JUNIOR YEAR IN HIGH SCHOOL"

2. Page 1, line 12.

**Following:** first "examination"

**Insert:** "during a student's junior year in high school"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

2/9/2005

**HB 308**, introduced bill, be amended as follows:

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1. Title, line 11.

**Following:** "CHANGE"

**Insert:** "AND INCREASING THE PERIOD FOR SUBMISSION OF NEW EVIDENCE OF ADVERSE EFFECTS TO OTHER WATER RIGHTS"

2. Title, line 12 through line 13.

**Strike:** "REMOVING" on line 12 through "PROJECT;" on line 13

3. Title, line 16 through line 17.

**Strike:** "REMOVING" on line 16 through "RIGHT;" on line 17

4. Title, line 21.

**Following:** "AMOUNT"

**Insert:** ", EXCEPT THAT ONLY THE AMOUNT HISTORICALLY CONSUMED, OR A SMALLER AMOUNT IF SPECIFIED IN THE LEASE AUTHORIZATION, MAY BE USED TO MAINTAIN OR ENHANCE STREAMFLOWS BELOW THE LESSOR'S POINT OF DIVERSION"

5. Page 28, line 19.

**Strike:** "Except as provided in subsection (9), an"

**Insert:** "An"

6. Page 28, line 20.

**Strike:** "for each additional period"

7. Page 28, line 24.

**Strike:** "30"

**Insert:** "90"

8. Page 29, line 20.

**Strike:** "pursuant to 85-2-408"

**Following:** "period"

**Strike:** "equal to the expected life of the project"

9. Page 29, line 21 through line 22.

**Following:** "~~years~~" on line 21

**Insert:** "not to exceed 30 years unless a renewal is obtained pursuant to subsection (3)"

**Strike:** "A" on line 21 through "expected." on line 22

10. Page 31, line 15.

**Insert:** "(2) (a) A temporary change authorization under the provisions of this section is allowable only if the owner of the water right voluntarily agrees to:

(i) change the purpose of a consumptive use water right to instream flow for the benefit of the fishery resource; or

(ii) lease a consumptive use water right to another person for instream flow to benefit the fishery resource.

(b) For the purpose of this subsection (2), "person" means and is limited to an individual, association, partnership, or corporation."

**Renumber:** subsequent subsections

11. Page 32, line 3.

**Following:** "consumed"

**Insert:** ", or a smaller amount if specified by the department in the lease authorization,"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/9/2005

**HB 321**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "LAND"

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**Insert:** "WITH CONCURRENCE OF THE COUNTY GOVERNING BODY OR BODIES"

2. Page 1, line 28.

**Following:** "(2)"

**Insert:** "with the concurrence of the county governing body or bodies,"

3. Page 2, line 12.

**Following:** "donations"

**Insert:** "or devises"

And, as amended, do pass. Report adopted.

**HB 330**, introduced bill, be amended as follows:

1. Title, line 7 through line 13.

**Strike:** line 7 through "POLICY;" on line 13

2. Title, line 14.

**Strike:** "SECTIONS 76-3-505 AND"

**Insert:** "SECTION"

3. Page 1, line 18 through page 2, line 1.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 2, line 5.

**Strike:** "proposed"

5. Page 2, line 7.

**Strike:** "proposed"

**Strike:** "complies with the growth policy."

6. Page 2, line 8.

**Strike:** ", and is in the public interest"

7. Page 2, line 9 through line 10.

**Following:** "~~services~~" on line 9

**Strike:** remainder of line 9 through "interest." on line 10

8. Page 2, line 12 through line 13.

**Following:** "applicable" on line 12

**Strike:** remainder of line 12 through "interest" on line 13

9. Page 2, line 20.

**Following:** "~~and~~"

**Insert:** "and"

10. Page 2, line 21 and 22.

**Strike:** "and" on line 21 through "chapter 1;" on line 22

11. Page 2, line 24.

**Strike:** "proposed"

12. Page 2, line 26.

**Strike:** "proposed"

13. Page 2, line 30.

**Strike:** "proposed"

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14. Page 3, line 8.

**Strike:** "may be"

**Insert:** "is"

15. Page 3, line 12.

**Strike:** "proposed"

16. Page 3, line 25 through line 26.

**Strike:** subsection (8) in its entirety

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/9/2005

**HB 304**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** line 7

**Insert:** "NONCOMMERCIAL"

2. Title, page 1, line 9 through line 10.

**Strike:** "REVISING" on line 9 through "ROAD;" on line 10

3. Page 2, line 6.

**Following:** "÷"

**Insert:** "÷"

4. Page 2, line 7.

**Following:** "(i)"

**Insert:** "(i)"

5. Page 2, line 11.

**Following:** "~~chapter~~"

**Insert:** "; and"

(ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license issued under this chapter

6. Page 2, line 13 through line 14.

**Following:** "person" on line 13

**Strike:** "a" on line 13 through "alien," on line 14

7. Page 2, line 18.

**Strike:** ", commonly known as an illegal alien,"

8. Page 2, line 22.

**Strike:** ", commonly known as an illegal alien,"

9. Page 3, line 29.

**Strike:** "commonly known as an illegal alien,"

10. Page 5, line 14.

**Strike:** "The"

**Insert:** "Except for commercial driver's licenses, the"

And, as amended, do pass. Report adopted.

**HJR 15**, introduced joint resolution, be amended as follows:

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1. Page 2, line 4 through line 5.

**Strike:** "study" on line 4 through "Montana" on line 5

**Insert:** "determine the reasons why there is a disproportionate number of adult and youth minority persons in the criminal justice system"

And, as amended, be adopted. Report adopted.

**SELECT COMMITTEE ON EDUCATION** (Lindeen, Chairman):  
**HB 63**, introduced bill, be amended as follows:

2/9/2005

1. Page 6, line 3.

**Strike:** "less the state special education allowable cost payment"

2. Page 6, line 6.

**Following:** "aid"

**Insert:** "and the state special education allowable cost payment"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):  
**HB 148**, introduced bill, be amended as follows:

2/9/2005

1. Title, page 1, line 11.

**Following:** "LOAN;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 6.

**Following:** line 26

**Insert:** "NEW SECTION. Section 7. Appropriation. The following money is appropriated as follows for the biennium ending June 30, 2007, to implement the retirement system state employer contribution rate increases provided for in [this act]:

Fiscal Year 2006		Fiscal Year 2007	
General Fund	Other Funds	General Fund	Other Funds
Executive Branch			
\$887,794	\$1,428,134	\$886,929	\$1,426,574
University System			
\$133,329	\$0	\$133,083	\$0
Office of Public Instruction			
\$185,218	\$0	\$188,922	\$0
Legislative Branch			
\$13,212	\$0	\$13,194	\$0
Judicial Branch			
\$24,234	\$6,445	\$24,173	\$6,430
Consumer Council			
\$740	\$2,242	\$742	\$2,248"

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

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**HB 181**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "CHANGING" through "2005;"

2. Title, page 1, line 14.

**Strike:** "19-20-101,"

**Following:** "19-20-605,"

**Insert:** "AND"

3. Title, page 1, line 14 through line 15.

**Following:** "19-20-621," on line 14

**Strike:** "19-20-715" on line 14 through "19-20-805," on line 15

4. Page 1, line 25.

**Strike:** "benefit changes for future members and"

5. Page 1, line 30 through page 5, line 20.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

6. Page 6, line 24.

**Strike:** "and"

7. Page 6, line 25.

**Following:** "2007"

**Insert:** "; and

(iii) 10.62 % beginning July 1, 2009"

8. Page 8, line 3 through page, 11, line 28.

**Strike:** sections 5 through 9 in their entirety

**Renumber:** subsequent sections

9. Page 12, line 5.

**Strike:** "\$1,738,000"

**Insert:** "\$1,650,000"

**Strike:** "\$1,772,000"

**Insert:** "\$1,714,000"

10. Page 12, line 7.

**Strike:** "\$26,000"

**Insert:** "\$18,000"

**Strike:** "\$26,000"

**Insert:** "\$18,000"

11. Page 12, line 9.

**Strike:** "\$524,000"

**Insert:** "\$397,000"

**Strike:** "\$691,000"

**Insert:** "\$843,000"

**Strike:** "\$522,000"

**Insert:** "\$395,000"

**Strike:** "\$691,000"

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**Insert:** "\$903,000"

And, as amended, do pass. Report adopted.

**HB 346**, introduced bill, be amended as follows:

1. Page 3, line 8 through line 12.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) A member who is receiving a full pension benefit, as provided in 19-17-404, may return to service with a volunteer fire department without loss of benefits. A member returning to service under this section may not be considered an active member earning service credit."

2. Page 4.

**Following:** line 9

**Insert:** "COORDINATION SECTION. Section 4. Coordination instruction. If Senate Bill No. 197 and [this act] are both passed and approved, then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 386**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/9/2005

**SB 200**, introduced by Wheat

**SB 229**, introduced by Cobb

**SB 261**, introduced by Perry

**SB 269**, introduced by Wheat

**SB 292**, introduced by Barkus

**Senate joint resolution** passed and transmitted to the House for concurrence:

2/9/2005

**SJR 9**, introduced by Tester

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 599**, introduced by Small-Eastman, Dickenson, referred to Agriculture.

**HB 600**, introduced by Hamilton, referred to Fish, Wildlife and Parks.

**HB 601**, introduced by Clark, referred to Fish, Wildlife and Parks.

**HB 602**, introduced by Ward, Everett, Wagman, Campbell, John Balyeat, referred to Judiciary.

**HB 603**, introduced by Gutsche, MacLaren, referred to Fish, Wildlife and Parks.

**HB 604**, introduced by Lindeen, referred to Business and Labor.

**HB 605**, introduced by Gutsche, Hiner, Clark, Bergren, Shockley, referred to Fish, Wildlife and Parks.

**HB 606**, introduced by Gutsche, Clark, Campbell, Cohenour, referred to Natural Resources.

**HB 607**, introduced by A. Olson, referred to Taxation.

**HB 608**, introduced by Jackson, Taylor, Heinert, referred to Natural Resources.

**HB 609**, introduced by Taylor, Jackson, Heinert, referred to Natural Resources.

**HB 610**, introduced by Maedje, Golie, referred to Transportation.

**HB 611**, introduced by Windy Boy, Bergren, Hansen, Caferro, Noonan, McAlpin, Eaton, Harrington, Ellingson, Musgrove, Williams, Buzzas, Tester, Pease, referred to Judiciary.



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**HB 612**, introduced by Maedje, Heinert, Everett, Arntzen, Hendrick, Furey, Lake, Klock, D. Brown, A. Olson, Jackson, Taylor, Ward, Rice, Harris, Himmelberger, Stoker, Sinrud, W. Jones, Wagman, Barrett, referred to Natural Resources.

**HB 613**, introduced by Facey, referred to Local Government.

**HB 614**, introduced by Harris, Villa, Cohenour, Dickenson, Callahan, Maedje, Jacobson, Parker, Henry, Musgrove, Campbell, Lindeen, Wanzenried, Grinde, Clark, Noonan, Eaton, Bergren, Raser, Wilson, Gutsche, Jopek, Dowell, McAlpin, Branae, Small-Eastman, Hendrick, Galvin-Halcro, Windham, referred to Local Government.

**HB 615**, introduced by Harris, referred to Judiciary.

**HB 616**, introduced by Keane, Groesbeck, Sesso, referred to State Administration.

**HB 617**, introduced by Koopman, Wells, Butcher, Stoker, Heinert, Brueggeman, Lange, Morgan, A. Olson, Curtiss, Ward, Maedje, Hawk, Mendenhall, Wagman, W. Jones, Jackson, McGillvray, Everett, Lambert, Stahl, Waitschies, John Balyeat, referred to Judiciary.

**HB 618**, introduced by Hamilton, referred to Business and Labor.

**HB 619**, introduced by Hamilton, referred to Business and Labor.

**HB 620**, introduced by Driscoll, referred to Education.

**HB 621**, introduced by Butcher, referred to Education.

**HB 622**, introduced by Butcher, referred to Natural Resources.

**HB 623**, introduced by MacLaren, Himmelberger, Lindeen, John Balyeat, Cohenour, Golie, Keane, referred to Education.

**HB 624**, introduced by Villa, Cohenour, Parker, Noonan, Jopek, McAlpin, Jacobson, Facey, Sesso, Bixby, Musgrove, Wanzenried, Mangan, Groesbeck, Squires, Grinde, Gallik, Dowell, Cooney, A. Olson, Tropila, Driscoll, Furey, Hiner, Larson, Windy Boy, Ryan, Franklin, Schmidt, referred to Select Committee on Education.

**HB 625**, introduced by Rice, referred to Local Government.

**HB 626**, introduced by Rice, Sales, Arntzen, Peterson, Witt, referred to Local Government.

**HB 627**, introduced by Rice, Sales, Arntzen, Peterson, Witt, referred to Business and Labor.

**HB 628**, introduced by Clark, Elliott, Jopek, Heinert, Jackson, Wanzenried, Curtiss, Lewis, Roberts, Taylor, Dowell, Noonan, Maedje, referred to Business and Labor.

**HB 629**, introduced by Koopman, referred to Education.

**HB 630**, introduced by Mendenhall, Matthews, Keenan, Cocchiarella, Story, referred to Business and Labor.

**HB 631**, introduced by Stahl, Tropila, referred to Business and Labor.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 1**, introduced by Ellingson, Parker, referred to the Joint Rules Committee.

**MOTIONS**

Dem. Floor Leader Parker moved to be on Order of Business #9, Motions. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: Harris.

Total 1

Absent or not voting: Balyeat, Butcher.

Total 2

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Dem. Floor Leader Parker moved HB 324 be taken from 3rd Reading today and moved to 3rd Reading on Thursday, February 10, 2005. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 45

Excused: Harris.  
Total 1

Absent or not voting: Balyeat, Butcher, Himmelberger.  
Total 3

Rep. Lange announced the House Republicans will caucus.  
Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will stand at ease.

**SECOND READING  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 230** - Representative Jacobson moved **HB 230** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Balyeat, Koopman.  
Total 2

Voted Absentee: Harris, Aye.

Excused: None.

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Total 0

Absent or not voting: Ripley, Sales.

Total 2

Representative Gallik moved consideration of **HB 337** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative Parker moved consideration of **HB 370** be placed at the bottom of the second reading board due to the sponsor being in the chair. Motion carried.

**HB 401** - Representative Keane moved **HB 401** do pass.

**HB 401** - Representative Keane moved **HB 401**, second reading copy, be amended as follows:

1. Page 4, line 22.

**Following:** "winches"

**Insert:** ", other than air tugger winches on equipment used to drill oil, natural gas, or water wells"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat, Sales, Sinrud, Sonju.

Total 4

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 401** - Representative Keane moved **HB 401**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Koopman, Sales, Sinrud.

Total 3

Voted Absentee: Harris, Aye.

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Excused: None.  
Total 0

Absent or not voting: Taylor.  
Total 1

**HB 249** - Representative Lindeen moved **HB 249** do pass.

**HB 249** - Representative Mendenhall moved **HB 249**, second reading copy, be amended as follows:

1. Page 7, following line 12.

**Insert:** "(d) The rules must provide for the full or partial repayment of a grant if the new jobs or some of the new jobs for which a grant is given are not created."

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Noennig.  
Total 1

**HB 249** - Representative Lindeen moved **HB 249**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, Barrett, D. Brown, Butcher, Caferro, Everett, Hendrick, Himmelberger, W. Jones, Kaufmann, Koopman, Lake, Maedje, Malcolm, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Small-Eastman, Wagman, Waitschies, Wells.  
Total 24

Voted Absentee: Harris, Aye.

Excused: None.

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Total 0

Absent or not voting: Becker, Gutsche.

Total 2

**HB 425** - Representative Parker moved **HB 425** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Balyeat, Barrett, Hawk, Koopman, McNutt, Mendenhall, Ripley, Sales.

Total 8

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 25** - Representative Roberts moved **HB 25** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 156** - Representative Henry moved **HB 156** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock,

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Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Balyeat, Koopman.  
Total 2

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 243** - Representative Lambert moved **HB 243** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bixby, Campbell, Hiner, Jayne, Juneau, Kaufmann.  
Total 6

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 307** - Representative Parker moved **HB 307** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Balyeat, Jayne, Juneau.  
Total 3

Voted Absentee: Harris, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 312** - Representative Golie moved **HB 312** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 77

Noes: Balyeat, Barrett, Butcher, Everett, Hawk, L. Jones, Koopman, Lake, Lambert, McGillvray, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Ward, Witt.

Total 23

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 367** - Representative Parker moved **HB 367** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Andersen, Balyeat, R. Brown, Butcher, Everett, Himmelberger, L. Jones, Klock, Koopman, Lambert, Maedje, McNutt, Mendenhall, Ripley, Sales, Stahl, Taylor, Wagman, Wells, Witt.

Total 20

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart,

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Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: Butcher, Everett, Jayne, L. Jones, Koopman, Maedje, Mendenhall, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Wells, Witt.  
Total 15

Excused: Harris.  
Total 1

Absent or not voting: Hamilton.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 26** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, Gallik, Jayne, MacLaren, Rice, Ripley.  
Total 6

Excused: Harris.  
Total 1

Absent or not voting: Dowell, Golie, Lake.  
Total 3

**HB 298** passed as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 43

Excused: Harris.  
Total 1



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Absent or not voting: Dowell, Lake.  
Total 2

**HB 301** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Balyeat, D. Brown, Everett, Heinert, Koopman, Sales, Sinrud, Stahl.  
Total 8

Excused: Harris.  
Total 1

Absent or not voting: Dowell, Lake.  
Total 2

**HB 347** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lambert, Lange, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Musgrove, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 40

Excused: Harris.  
Total 1

Absent or not voting: Dowell, Lake.  
Total 2

**HB 348** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 71

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jayne, Koopman, Lambert, Lange, Malcolm, McGillvray, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Witt.  
Total 26

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Excused: Harris.  
Total 1

Absent or not voting: Dowell, Lake.  
Total 2

**HB 409** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 95

Noes: Koopman, Wiseman.  
Total 2

Excused: Harris.  
Total 1

Absent or not voting: Dowell, Lake.  
Total 2

**HB 457** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: R. Brown, Butcher, Everett, Franklin, Glaser, Golie, Henry, Hiner, Jackson, Lange, Morgan, Sales, Sesso, Sinrud, Warden, Witt.  
Total 16

Excused: Harris.  
Total 1

Absent or not voting: Dowell.  
Total 1

**MOTIONS**

Dem. Floor Leader Parker moved that HB 249 and HB 243 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 579 be re-referred from Natural Resources Committee to the Business and Labor Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 564 and HB 575 be re-referred from Fish, Wildlife and Parks Committee to the State Administration Committee. Without objection, so ordered.

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Rep. McGillvray moved that HB 117 from the Human Services Committee be moved to 2nd Reading.  
Rep. Villa called for the previous question. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Excused: Harris.  
Total 1

Absent or not voting: None.  
Total 0

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read Speaker Matthews' letter to Senate President Tester stating that he had appointed Rep. Holly Raser and Rep. Bill Glaser to the Joint Select Committee on Education Funding.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Thursday, February 10, 2005. Motion carried.

House adjourned at 3:30 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana  
February 10, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Gallik. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Harris, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/10/2005  
Correctly printed: **HB 386**.  
Correctly engrossed: **HB 63, HB 140, HB 148, HB 181, HB 304, HB 308, HB 321, HB 330, HB 331, HB 346, HB 369, HJR 15, HB 249, HB 401**.

**APPROPRIATIONS** (Buzzas, Chairman): 2/10/2005  
**SB 240**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman): 2/10/2005  
**HB 463**, do pass. Report adopted.  
**HB 481**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.  
**Strike:** "APPROPRIATING" on line 6 through "ENTITIES;" on line 8

2. Page 1, line 23.  
**Strike:** "shall"  
**Insert:** "may"

3. Page 1, line 29 through page 2, line 3.  
**Strike:** section 2 in its entirety  
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 483**, introduced bill, be amended as follows:

1. Page 1, line 24.  
**Strike:** "labor"  
**Insert:** "personnel"

2. Page 1, line 28.  
**Strike:** "labor"  
**Insert:** "personnel"

3. Page 2, line 1.  
**Strike:** "labor"  
**Insert:** "personnel"

4. Page 2, line 8.  
**Strike:** "labor"  
**Insert:** "personnel"

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5. Page 2, line 12.

**Strike:** "labor"

**Insert:** "personnel"

6. Page 2, line 23.

**Strike:** "labor"

**Insert:** "personnel"

7. Page 2, line 26.

**Strike:** "labor"

**Insert:** "personnel"

8. Page 2, line 27.

**Strike:** "labor"

**Insert:** "personnel"

9. Page 2, line 28.

**Strike:** "labor"

**Insert:** "personnel"

10. Page 3, line 7.

**Strike:** "(1)(a)"

**Insert:** "(3)(a)"

11. Page 3, line 28.

**Strike:** "labor"

**Insert:** "personnel"

12. Page 4, line 3.

**Strike:** "labor"

**Insert:** "personnel"

13. Page 4, line 5.

**Following:** "board of"

**Strike:** "labor"

**Insert:** "personnel"

14. Page 4, line 6.

**Strike:** "labor"

**Insert:** "personnel"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/10/2005

**HB 97**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "FOURTH"

**Insert:** "FIFTH"

2. Page 1, line 17.

**Strike:** "If"

**Insert:** "Except as provided in subsection (3), if"

3. Page 1, line 18.

**Following:** "three"

**Insert:** "or more"

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4. Page 2, line 3.

**Following:** "61-8-406"

**Strike:** "and"

**Insert:** ", "

5. Page 2, line 6 through line 7.

**Strike:** "the person" on line 6 through "state prison" on line 7

**Insert:** "and the person was, upon a prior conviction, placed in a residential alcohol treatment program under subsection (2), whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections"

And, as amended, do pass. Report adopted.

**HB 366**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Strike:** "7"

**Insert:** "6"

2. Page 1, line 14.

**Strike:** "7"

**Insert:** "6"

3. Page 2, line 7.

**Strike:** "7"

**Insert:** "6"

4. Page 2, line 13.

**Strike:** "or sound"

5. Page 3, line 19.

**Strike:** "7"

**Insert:** "6"

6. Page 3, line 22 through line 30.

**Strike:** section 7 in its entirety

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

2/10/2005

**HB 379**, do pass. Report adopted.

**HB 460**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "REQUIRING" on line 6 through "UNDERTAKING;" on line 7

2. Page 2, line 20.

**Strike:** "or" through "(3)(c)"

3. Page 3, line 9.

**Strike:** "(i)"

4. Page 3, line 13.

**Strike:** "(A)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

5. Page 3, line 20.

**Strike:** line 20 through line 22 in their entirety

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And, as amended, do pass. Report adopted.

**HB 473**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "30"

**Insert:** "48"

**Following:** "diameter"

**Insert:** "that are surrounded by an inflammable fire ring"

And, as amended, do pass. Report adopted.

**HB 482**, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

2/10/2005

**HB 288**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DEPARTMENT;"

**Insert:** "AND"

2. Title, page 1, line 6 through line 7.

**Strike:** "; AND" on line 6 through "DATE" on line 7

3. Page 3, line 12.

**Strike:** section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 488**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/10/2005

**SB 203**, introduced by Lind

**SB 245**, introduced by Elliott

Chief Clerk Marilyn Miller read Speaker Matthews' letter from Senate President Tester stating his appointments of Sen. Story and Sen. Ryan to the Joint Select Committee on Education Funding.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 632**, introduced by Sinrud, referred to State Administration.

**HB 633**, introduced by Jent, referred to State Administration.

**HB 634**, introduced by Wagman, referred to Select Committee on Education.

**HB 635**, introduced by Windy Boy, Small-Eastman, Jayne, Groesbeck, Musgrove, Wanzenried, Dowell, referred to Agriculture.

**HB 636**, introduced by Stahl, referred to Local Government.

**HB 637**, introduced by Arntzen, Dowell, Roberts, Golie, MacLaren, referred to Judiciary.

**HB 638**, introduced by Arntzen, McGillvray, Sonju, Rice, referred to Business and Labor.

**HB 639**, introduced by Peterson, referred to Taxation.

**HB 640**, introduced by Jacobson, referred to State Administration.

**HB 641**, introduced by Rice, Stoker, Everett, Wells, Arntzen, Ross, Hendrick, Ward, Maedje, Sonju, McGillvray,

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John Balyeat, Sales, referred to Judiciary.

**HB 642**, introduced by Golie, Villa, Parker, Roush, Mangan, Keane, Larson, Galvin-Halcro, Schmidt, Tropila, Lindeen, Wilson, Tester, Wiseman, Callahan, Eaton, Gillan, Noonan, referred to Federal Relations, Energy, and Telecommunications.

**HB 643**, introduced by Dowell, Roberts, McAlpin, Ward, Wanzenried, referred to Human Services.

**HB 644**, introduced by Lange, Parker, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sales in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 390** - Representative Parker moved consideration of **HB 390** be placed at the top of the second reading board. Motion carried.

**HB 390** - Representative Villa moved **HB 390** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Hawk, Sinrud.

Total 2

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 370** - Representative Gallik moved **HB 370** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat, Koopman, Mendenhall, Ward.

Total 4



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Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 427** - Representative Grinde moved **HB 427** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, R. Brown, Hawk, Himmelberger, Jayne, Koopman, Rice, Ripley, Sinrud.  
Total 9

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 1** - Representative Parker moved **SJR 1** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: R. Brown.  
Total 1

**HB 64** - Representative R. Brown moved **HB 64** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Campbell, Jayne, Juneau.  
Total 3

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 22** - Representative McNutt moved **HB 22** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Hiner.  
Total 1

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Morgan.  
Total 1

**HB 441** - Representative Wiseman moved **HB 441** do pass.

**HB 441** - Representative Wiseman moved **HB 441**, second reading copy, be amended as follows:

1. Title, line 5 through line 7.  
**Strike:** "UNLESS" on line 5 through "INGREDIENT" on line 7

2. Page 1, line 27.  
**Strike:** "any quantity"  
**Insert:** "at least 15 milligrams"

3. Page 1, line 29 through line 30.  
**Strike:** "when" on line 29 through "ingredient" on line 30

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Franklin, Hiner, Jayne, Rice, Sales.  
Total 6

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 441** - Representative Lake moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: D. Brown, Ripley, Sonju.  
Total 3

Excused: Harris.  
Total 1

Absent or not voting: Gutsche, Windham.  
Total 2

**HB 441** - Representative Wiseman moved **HB 441**, as amended, do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Campbell, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wells, Witt, Mr. Speaker.  
Total 54

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Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 186** - Representative Bergren moved **HB 186** do pass.

**HB 186** - Representative Bergren moved **HB 186**, second reading copy, be amended as follows:

1. Page 3, lines 15 and 16.

**Strike:** "and" on line 15 through "571" on line 16

**Insert:** "or less"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Rice.  
Total 1

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 186** - Representative Bergren moved **HB 186**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Butcher, Everett, Golie, Hawk, Himmelberger, Jayne, Koopman, Maedje, B. Olson, Rice, Sales, Sonju, Waitschies.  
Total 13

Voted Absentee: Harris, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Butcher, Dowell, Golie, Jayne, Juneau.  
Total 5

Excused: Harris.  
Total 1

Absent or not voting: D. Brown, Grinde, Windham.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 25** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Jayne.  
Total 1

Excused: Harris.  
Total 1

Absent or not voting: Furey, Windham.  
Total 2

**HB 105** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson,

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Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Jackson, Jayne, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Noennig, Peterson, Rice, Ripley, Ross, Sales, Stahl, Taylor, Waitschies, Wells, Witt.

Total 34

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

**HB 156** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Harris.

Total 1

Absent or not voting: Bergren, Windham.

Total 2

**HB 203** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: R. Brown, Butcher, Gallik, Hawk, Himmelberger, Koopman, Sales, Sinrud, Stahl, Wells.

Total 10

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

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**HB 230** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Koopman, Ward.  
Total 2

Excused: Harris.  
Total 1

Absent or not voting: Windham.  
Total 1

**HB 295** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 32

Excused: Harris.  
Total 1

Absent or not voting: Windham.  
Total 1

**HB 307** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Campbell, Jayne, Juneau.  
Total 3

Excused: Harris.  
Total 1

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Absent or not voting: Windham.

Total 1

**HB 312** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, McGillvray, McKenney, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 40

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

**HB 324** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

**HB 367** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 78

Noes: Balyeat, R. Brown, Butcher, Everett, Heinert, Himmelberger, L. Jones, Koopman, Lambert, Maedje, Mendenhall, Ripley, Sales, Sinrud, Stahl, Taylor, Wagman, Warden, Wells, Witt.



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Total 20

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

**HB 396** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: D. Brown, Jayne.

Total 2

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

**HB 425** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Balyeat, Barrett, Hawk, Koopman, McNutt, Mendenhall, Ripley, Sales, Sinrud, Sonju, Witt.

Total 11

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

**MOTIONS**

Dem. Floor Leader Parker moved that HB 601 be re-referred from the Fish, Wildlife, and Parks Committee to the State Administration Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 591 be re-referred from the Business and Labor Committee to the Natural Resources Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 604 be re-referred from the Business and Labor Committee to the

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Transportation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 618 be re-referred from the Business and Labor Committee to the Federal Relations, Energy, and Telecommunications Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 619 be re-referred from the Business and Labor Committee to the Human Services Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 628 be re-referred from the Business and Labor Committee to the Education Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 630 be re-referred from the Business and Labor Committee to the Transportation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 631 be re-referred from the Business and Labor Committee to the Federal Relations, Energy, and Telecommunications Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 613 be re-referred from the Local Government Committee to the State Administration Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 614 be re-referred from the Local Government Committee to the Judiciary Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 625 be re-referred from the Local Government Committee to the Taxation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 22 be re-referred the Appropriation Committee. Without objection, so ordered.

Rep. Sinrud moved that HB 95 be taken from the Judiciary Committee and placed on 2nd Reading.

Rep. Golie moved to table the motion on HB 95. Motion failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: Harris.

Total 1

Absent or not voting: Windham.

Total 1

The motion to place HB 95 on 2nd Reading failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward,

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Warden, Wells, Witt.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

Excused: Harris.  
Total 1

Absent or not voting: Windham.  
Total 1

Dem. House Leader Wanzenried moved to suspend the rules to allow for late introduction of a resolution. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Harris.  
Total 1

Absent or not voting: Windham.  
Total 1

Rep. Jopek moved to change his vote on HB 203 to aye. Without objection, so ordered.

**UNFINISHED BUSINESS**

Rep. Parker requested the following sponsor be deleted from HB 585: Rep. Ward.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, February 11, 2005. Motion carried.

House adjourned at 3:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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**HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 11, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present, except Representatives Harris and Windy Boy, excused. Quorum present.

Speaker Matthews and the House thanked the pages for the past week..

**ANNOUNCEMENTS**

Dem. Floor Leader Parker moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving the State of Education address from State Superintendent of Public Instruction Linda McCullough. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the State of Education address from State Superintendent Linda McCullough. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify Superintendent McCullough that the body was in joint session and ready to receive her address. Motion carried.

President Tester appointed Sen. Ryan, Sen. Story, Rep. Raser, and Rep. Arntzen to escort Superintendent McCullough into the chamber.

The committee escorted Superintendent McCullough into the chambers.

Senate President Tester introduced State Superintendent McCullough to the joint session, and the State Superintendent gave the following address:

"Good afternoon. I'm so very pleased to be here with you today.

Thank you, President Tester, Speaker Matthews, Senator Keenan, Representative Wanzenried and Representative Brown for bringing us together to focus on Montana's children and their future.

I'd also like to recognize Governor Schweitzer and my other colleagues and friends in the Executive and Judicial branches of Montana government, as well as the Public Service Commissioners.

And a very special thank you to my husband, Bill, for being here with me and supporting my dedication to Montana's kids for another four years.

I begin my State of Education Address with sincere words of thanks for the thousands of dedicated teachers, administrators, school staff and trustees. You work tirelessly, helping Montana's children learn and prepare for successful lives. Simply put, you change lives.

One of those educators is Bud Williams, my Deputy Superintendent. Every day, Bud brings 30 years of

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experience, expertise and caring to the kids of Montana.

Would all educators, school staff or trustees in the audience, both on the floor and in the gallery, please stand so we may recognize you? From all of us here, and from all Montanans: Thank you!

I'd like to specifically thank the kids who are watching this address live using video streaming technology. One of those schools is Lockwood School in Billings. Please join me in greeting Mrs. Johnson and her students.

This 59th Legislative Session will be forever remembered as the session that 150 citizens defined an education system that will affect every single Montanan, their children and their grandchildren. It is an historic opportunity. An opportunity that constantly returns us to an event 33 years ago.

It was a defining moment in 1972 when the delegates to the Montana Constitutional Convention put aside partisanship, regional differences and personal agendas and focused on Montana's future. Today, when each of us takes the oath of office, we swear to uphold the document they created. Their task was daunting, but their achievement is resounding.

In the area of education, they agreed upon 15 powerful words: "The legislature shall provide a basic system of free quality public elementary and secondary schools."

It is up to you to make the most of the opportunity before you -- to make that constitutional statement a reality and have an impact on future generations.

This session is about "moving education forward in Montana." Lawsuits have been filed, hearings have been held, and the courts have ruled. That is past. Now the solution is back where it belongs, in your hands. Your task, like that of the delegates to the constitutional convention, is to focus on the future - on the quality of the schools your children, and their children, will attend.

Let me talk about what these 15 words in our Constitution means to me: Our country was built on the very dream of "wanting better for our children than we have ourselves." I am living my father's dream. I was the first in my father's family to graduate from high school. My father left school in the eighth grade to go to work and help feed his younger brothers and sisters. He wanted more for his children, and he knew education was the key to making that possible. My parents sacrificed much for us. Their goal was simple: they wanted us to have a better life than they had.

My story is not unique. Parents all across Montana know the meaning of a quality education. It is in the dreams they have for their children.

Now it is your chance to define a quality education that makes parents' dreams a reality for their children. It must be a definition that encompasses both the aspirations of those dreams and the tangible reality that makes those dreams achievable. A quality education must include standards set forth by the Board of Public Education. It must provide assessments to make sure our children are succeeding. It must address the needs of Montana's low-income children, at-risk youth, and special needs students, both challenged and gifted. It must reflect the needs of our American Indian students. It must allow us to recruit and retain high-quality teachers. It must allow us to provide kids with textbooks, library materials, and the technology they need to compete in a changing world. It must provide safe school buildings and buses. And finally, it must be a quality education that will continue to adapt as times change.

Educating Montana's children is a complex process in today's world. The definition you will come up with will undoubtedly be complex as well. But, the ideas are simple. It is about our future, our economy and our kids!

You also have an opportunity and an obligation to make up for 30 years of neglect to recognize another promise made in our Constitution; to recognize the distinct and unique cultural heritage of Montana's American Indians.

While American Indians make up about 6 percent of our total state population, American Indian students make up about 11 percent of our students in public schools. It is the only growing student population.

There is an alarming gap in the achievement levels of Indian and non-Indian students in Montana. Did you know that almost half of Montana's American Indian students do not graduate from high school? These factors affect

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the lives of students, their parents, their communities, and the economy of Montana. All students in Montana must achieve at the very highest level to which they are capable. Anything less is absolutely unacceptable!

Last fall, I hosted an Indian Education Summit that brought together 200 educators and leaders to help me find answers to reducing the achievement gap and to fully implement Indian Education for All Montanans.

All Montana students, and frankly, all of us, deserve the opportunity to understand the rich American Indian culture and history specific to Montana.

Thank you, Governor Schweitzer, for making available in your state budget the opportunity for my office to begin our significant work on Indian Education for All.

We want to do it right and respectfully, which is why the Montana Advisory Council on American Indian Education will be so vital to this effort.

As a teacher I wanted to do the right thing when teaching about Montana's Native people. But I was not always sure how to go about it. It is absolutely critical that all Montana teachers get the assistance they need to fully implement Indian Education for All. I am excited about bringing together educators and other experts to develop resources and hands-on materials to use in our classrooms.

I am thrilled to have this chance to finally make MCA 20-1-501 more than a paper promise!

What stands before us is an historic task to develop a funding system. We must venture into uncharted waters and understandably, there will be some trepidation. It is quite a task. Working together we will develop a funding system that works for all our students.

After more than a decade of inadequate funding, this process will not be completed overnight. It may not even be solved in one Legislative Session.

You must take the time you need to research solutions, design a funding system that provides a quality education, and takes into account taxpayers. These are important issues. Montana's future literally depends on them. My staff and I will work with you as long and as hard as it takes to make sure we get a system that is right for Montana's kids and for Montana's future.

Until a new funding system is developed and implemented, I offer you as a "Bridge to the Future" my three bills for funding options that our schools desperately need now:

1. House Bill 125, carried by Rep. Holly Raser, will be in committee later this afternoon. HB 125 increases the basic and per-student entitlement by \$350 per elementary student and \$200 per high school student. Also included in the calculation is the inflation adjustment as adopted by the 2003 Legislature. Thank you, Rep. Raser!

2. House Bill 111, carried by Rep. Gary Branae, creates a new funding mechanism that responds to Montana's decline in school enrollment. HB 111 recognizes that with the decrease of a few students in a school, the school still needs to provide third grade, fourth grade, and so on, and needs to offer music, PE, Library, and still needs to turn on the heat and lights, but now has significantly less funding. HB 111 provides school districts a \$1,000 per-educator entitlement based on the number of professional staff. The local school trustees decide how the funds best serve their students. Thank you, Rep. Branae!

3. House Bill 47 provides full-time funding for kindergarten students. This bill does not require schools to offer full-time kindergarten, nor does it require parents to enroll their child in full-time kindergarten. Children who are enrolled in full-time kindergarten programs demonstrate:

- Greater progress in literacy, math and general learning skills,
- Significant gains in social and emotional development,
- Fewer student grade retentions and special education placements, which saves the state money,
- Higher scores on achievement tests,
- And, reduced behavioral problems.

HB 47, carried by Rep. Kathleen Galvin-Halcro, gives some of our most vulnerable kids a helping hand. This bill is all about kids and local control and parental choice. My thanks to you, Rep. Galvin-Halcro!

Recruiting and retaining high quality teachers in Montana is one of our most significant challenges. Central to this challenge is our beginning teacher's salaries that rank 50th in the nation - dead last -- and too many of our

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teachers lack health benefits. Unless we can find ways to help schools attract and keep high quality teachers, we will continue to see good teachers leave our state. Without question, quality teachers are at the core of a quality education.

A top priority of my administration is reading. As a longtime teacher and school librarian, I've seen how the demand for high levels of literacy has never been greater than it is today. The doors to school success, higher education and a good job will never open for many students, if we do not put a real focus on reading in our schools. We must ensure that our students' skills keep pace with society's demands of living in an information age that changes rapidly and is showing no signs of slowing down.

We know that if a student isn't reading at the 3rd grade level by the end of third grade, it is very difficult and very expensive to catch up. If they can't read, they can't do social studies or science or read math problems. Lack of reading skills is also a common reason for dropping out of school.

I began tackling this challenge four years ago by building reading partnerships and aggressively going after funding to support reading efforts in our classrooms.

Every summer teachers gather together for my READ Montana! Summit, affectionately known around the state as the "Summit on a Shoestring." We learn new techniques for teaching reading and explore how we want Montana's students to become successful readers.

So far, our office has competed for and received \$33 million in federal reading funds to target children in kindergarten through third grade. We've been able to put some concentrated programs in several schools across the state.

We've kicked off two efforts that partner reading and wellness. Our partnership with the Department of Public Health and Human Services, called the "The Reading Well 'n' Be Well, Read Well," provides a free book to all newly immunized kindergartners. We like to think that it takes the "sting out of immunizations." And "Food for the Mind," a partnership with MSU Team Nutrition and the Montana Reading Council, gives K-3 classrooms a book bag, filled with fun books on nutrition and physical activity, for students to take home and enjoy with their parents.

These efforts are beginning to make a difference in our schools. For example, Longfellow Elementary school in Great Falls, a recipient of our reading grants has seen a 16 point increase in fourth grade reading scores in the last three years. This is very significant progress. We will continue to build upon these successes.

Montanans have always placed a high value on education. Perhaps folks who value education the most are those who weren't in a position to take it for granted. You helped make the value of an education possible for many Montanans. Senate Bill 81, from last session, carried by Senator Cooney, enables me to award an honorary high school diploma to World War II, Korean War and Vietnam War veterans who did not receive a high school diploma because of military service.

One day these individuals were carrying textbooks, and the next day they were carrying weapons to protect our nation and preserve our freedom. After the war, many never returned to school, but began families and careers. They became role models and leaders in their communities.

Following the session in 2003, I hosted a graduation ceremony in the Capitol Rotunda for the first 16 veterans, some of whom had waited 60 years to receive their high school diploma.

There was not a dry eye in the audience as veterans walked proudly to the stage to receive their diploma. Mr. Knoll's personal thank you note told me of the 3,511 miles he and his wife journeyed from Southwest Missouri back to his home state of Montana to attend this graduation. Others traveled shorter distances, like the van carrying four veterans from the Columbia Falls Veterans Home and Mr. Little Dog from Browning whose proud granddaughter joined him to share his education moment. The stories go on and on and on.

Each and every one of the almost 300 honorary high school diplomas I have awarded to a veteran is associated with a personal and touching family story, a story that embodies the importance of public education and our dreams. Thank you for making possible the education dreams of these veterans and their families.

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We have a veteran with us today, who like my father, is committed to their children and grandchildren's dreams and, like my father, did not graduate from high school and served in WWII. I'd like to introduce you to Adam Schweitzer, our Governor's father.

The Governor and I, two members of Montana's executive branch, were blessed to have parents who valued education. As fathers you play a very important role in our lives. You not only have inspired us by your commitment to our country, but your commitment to education left a legacy of learning.

Mr. Schweitzer, it is a great honor and a pleasure to be able to award you a long awaited honorary high school diploma that acknowledges a lifetime of learning and achievement that has enriched the state of Montana and our country. Congratulations to both you and my Dad, two very deserving veterans and fathers.

Montanans' commitment to education is timeless, even though the educational needs of our country have changed since WW II.

Fifty years ago our economy was dependent on 60% of our workforce being unskilled labor, 20% skilled labor and 20% professional workers. Fast forward to 2005 where 20% of our workforce is still professional. But our demand for unskilled labor has dropped to 15% and skilled labor increased threefold. Now 65% of our economy depends on skilled labor.

The focus in our schools has also changed. Think about it. Kindergarten teachers are preparing their five-year-old students for career options that do not even exist today. That's how important education is to our economy!

Let me take a moment and tell you about the importance of a quality education for one student I taught in elementary school. He was born several years after the state had ratified those 15 important words in the state Constitution. He had good teachers (especially his school librarian) and he worked hard.

It doesn't seem like very long ago that I saw his class off when they graduated from 8th grade, but I know he went on and received a great high school education in Missoula. This student went on to serve his country in Iraq. Then he returned to Montana, and went to school at the University of Montana and then last year he did the strangest thing. He ran for the State Legislature. Now he has a desk right here in the third row of this chamber, representing the people of House District 91. Permit me to recognize my student, Representative Kevin Furey. I am extremely proud to be one of Representative Furey's teachers, to know that the lessons I taught him will not only have an impact on his life, but on those he represents.

We are proud of our Montana students and their test scores. Montana kids continue to score near the top in the nation in reading, science, and math. That's great but that's not good enough. Because now our kids are competing internationally. They're competing with students from South Korea and South Vietnam as much as they're competing with students from South Dakota and South Carolina. Kids from other states and countries that invest in education are catching up to us or passing us. Working together we need to make sure this trend doesn't continue. Your work this session is vital to these efforts.

Our kids are our future. They will become tomorrow's business, spiritual, community and school leaders. They will also become Montana's Legislators, Senators, Governors, Supreme Court Justices and State Superintendents.

It is our kids that will hold us to those 15 words in our State Constitution: "The legislature shall provide a basic system of free quality public elementary and secondary schools."

I have great faith in the commitment of the Montana Legislature to roll up your sleeves to move education forward in Montana. Together we will do what's right for Montana's kids.

Thanks to the students and educators all across Montana who tuned in to watch the Legislature today.

On behalf of Montana's 146,519 school children and all who work on behalf of public education in our state, I thank you for your time today and your interest in Montana's public schools.

My door is always open and I look forward to your visit."



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President Tester thanked State Superintendent McCullough and directed the escort committee to escort State Superintendent McCullough from the joint session.

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from State Superintendent McCullough, be adjourned. Motion carried.

The House reconvened at 1:45 p.m.

Rep. Floor Leader Lange stated the House Republicans will caucus until 2:20 p.m.

The House reconvened at 2:20 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 2/11/2005  
Correctly printed: **HB 379, HB 463, HB 482, HB 488, SB 240.**  
Correctly engrossed: **HB 97, HB 186, HB 288, HB 366, HB 460, HB 473, HB 481, HB 483.**

**BUSINESS AND LABOR** (Keane, Chairman): 2/11/2005  
**HB 493**, do pass. Report adopted.  
**HB 508**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 2/11/2005  
**HB 359**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.  
**Strike:** "REMOVING" on line 4 through "NOTIFICATION;" on line 5

2. Title, line 7 through line 9.  
**Strike:** "ALLOWING" on line 7 through "ENFORCEMENT;" on line 9  
**Strike:** "SECTIONS"  
**Insert:** "SECTION"

3. Title, line 10.  
**Strike:** "80-8-107 AND"

4. Page 1, line 14 through page 2, line 15.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

5. Page 2, line 20.  
**Strike:** "The local ordinance must, at a minimum, contain"  
**Insert:** ", subject to"

6. Page 2, line 29.  
**Following:** "the"

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**Insert:** "common chemical name of the active ingredients or the product brand"

7. Page 4, line 7.

**Following:** "~~use,~~"

**Insert:** "use,"

8. Page 4, line 8.

**Following:** "~~(2)~~"

**Insert:** "or enact notification provisions more stringent than those provided for in subsections (1) and (2)"

9. Page 4, line 12 through line 13.

**Strike:** subsection (5) in its entirety

And, as amended, do pass. Report adopted.

**HB 365**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "10 WORKING"

**Insert:** "14"

2. Title, line 7 through line 12.

**Strike:** "REQUIRING" on line 7 through "EXCEPTIONS;" on line 12

3. Page 1, line 25.

**Following:** "recorder."

**Insert:** "When the survey data shown on the plat or certificate has errors or omissions, the examining land surveyor has 20 days in which to notify the clerk and recorder, who may request that corrections be made."

4. Page 1, line 26.

**Strike:** "chapter"

**Insert:** "section"

5. Page 1, line 27.

**Following:** the second "the"

**Insert:** "examining land"

6. Page 1, line 28.

**Strike:** "10 working"

**Insert:** "14"

**Strike:** "request for the review"

**Insert:** "submittal of the record set for review"

7. Page 2, line 1 through line 8.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

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8. Page 2.

**Following:** line 10

**Insert:** "(c) As used in this subsection (2), "record set" means a copy of the certificate of survey or the subdivision plat that must be filed with the county clerk and recorder."

And, as amended, do pass. Report adopted.

**HB 431**, introduced bill, be amended as follows:

1. Page 3, line 14.

**Strike:** "1 year"

**Insert:** "6 months"

2. Page 3, line 25 through line 30.

**Following:** "if" on line 25

**Strike:** ":", on line 25 through "standards." on line 30

**Insert:** "the governing body makes written findings after a public hearing and public comment, based on evidence in the record, that:

(a) the proposed improvements protect public health or the environment, mitigate harm to the public health or environment, and are achievable under current technology;

(b) reference information and peer-reviewed scientific studies that form the basis for the governing body's conclusions; and

(c) include information regarding costs to the regulated community that are directly attributable to the proposed improvements."

And, as amended, do pass. Report adopted.

**HB 436**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "INSTEAD OF A GOVERNING BODY"

**Insert:** ", SUBJECT TO APPROVAL OF THE LOCAL GOVERNING BODY AND ACCEPTANCE BY SCHOOL DISTRICT TRUSTEES,"

2. Page 4, line 7.

**Strike:** "A"

**Insert:** "Subject to the approval of the local governing body and acceptance by the school district trustees, a"

**Strike:** "equal to the amounts"

3. Page 4, line 8.

**Strike:** "instead of to the governing body"

**Following:** "1"

**Insert:** "adequate"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/11/2005

**HB 476**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Strike:** "board" through "4]"

**Insert:** "clerk of the district court"

2. Page 3, lines 5 and 11.

Page 4, line 16

Page 5, line 7

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**Strike:** "\$50"  
**Insert:** "\$43"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):  
**HB 177**, introduced bill, be amended as follows:

2/11/2005

1. Title, page 1, line 13.

**Strike:** "ALLOWING"

**Insert:** "REVISING"

**Strike:** "AT ANY TIME TO"

**Insert:** "OF"

2. Title, page 1, line 14.

**Strike:** "CLARIFYING" through ";"

3. Title, page 1, line 18.

**Following:** "13-14-113,"

**Insert:** "13-15-107,"

**Strike:** "13-16-412, 13-16-414,"

4. Page 1, line 29.

**Following:** "state"

**Insert:** "as provided in subsection (2)"

5. Page 2, line 25.

**Strike:** "or" through "relative"

6. Page 2, line 30 through page 3, line 1.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsections

7. Page 7, line 2 through line 4.

**Strike:** "to" on line 2 through "intent." on line 4

**Insert:** "if:"

(a) an election is held;

(b) a person's name is written in on the ballot;

(c) the person is qualified for and seeks election to the office for which the person's name was written

in; and

(d) no other candidate has filed a declaration or petition for nomination or a declaration of intent.

8. Page 8, line 6.

**Strike:** "orally"

**Insert:** "the challenger filling out and signing an affidavit"

**Following:** "challenge"

**Insert:** "and providing any evidence supporting the challenge"

9. Page 8, line 8.

**Strike:** "An" through the remainder of line 8

10. Page 8, line 9.

**Following:** "following"

**Insert:** "A challenge may be made on the"

11. Page 8, lines 17 and 18.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) When a challenge has been made under this section:

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(a) prior to the close of registration under 13-2-301, the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under 13-2-402; or

(b) after the close of registration or on election day, the election administrator or, on election day, the election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107.

(4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.

(b) If the challenge was not made in the presence of the elector being challenged, the election administrator or election judge shall notify the challenged elector as soon as possible of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided. If the challenge is made more than 5 days before an election, "as soon as possible", as used in this subsection (4)(b), means no later than 5 days after the challenge.

(5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors."

12. Page 9.

**Following:** line 14

**Insert:** "Section 14. Section 13-15-107, MCA, is amended to read:

**"13-15-107. Handling and counting provisional and challenged ballots.** (1) To verify eligibility to vote, an elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:

(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);

(b) send by facsimile or electronic mail by 5 p.m. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or

(c) mail a copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

(d) if applicable, the information to respond to a challenge under 13-13-301.

(2) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election.

(3) A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under 13-13-603. However, a provisional ballot may not be counted if the election administrator cannot verify the elector's eligibility under the rules. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the elector is of unsound mind or serving a felony sentence in a penal institution, the elector's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. the day after the election that a court has established that the elector is of unsound mind or that the elector has been convicted and sentenced and is still serving a felony sentence in a penal institution.

(4) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.

(5) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot."

**Renumber:** subsequent sections

13. Page 12, line 1 through page 13, line 2.

**Strike:** sections 16 and 17 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

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2/11/2005

**HB 290**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "PAROLE HEARINGS"

**Insert:** "BOARD MEETINGS"

2. Page 1, line 17.

**Following:** "Indian."

**Insert:** "However, the American Indian member may not be required to hear and act on all American Indian applications before the board. The American Indian member shall act in an advisory capacity regarding American Indian culture and problems and participate in all rulemaking functions of the board."

3. Page 1, line 30 through page 2, line 1.

**Following:** "has" on page 1, line 30

**Insert:** "without good cause"

**Strike:** "parole" on page 1, line 30 through "cause" on page 2, line 1

**Insert:** "board meetings that the member was scheduled to attend"

And, as amended, do pass. Report adopted.

**HB 291**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ADDING TWO MEMBERS TO"

**Insert:** "REVISING THE MEMBERSHIP OF"

2. Page 1, line 11.

**Strike:** "nine"

**Insert:** "seven"

3. Page 1, line 18.

**Strike:** "two"

**Insert:** "one"

4. Page 1, line 19.

**Strike:** "three members"

**Insert:** "one member"

**Strike:** "the two districts"

**Insert:** "each district"

5. Page 1, line 20.

**Strike:** ", but" through "districts"

6. Page 1, line 22.

**Following:** "Indian"

**Insert:** "from a coal-producing county"

And, as amended, do pass. Report adopted.

**HB 426**, do pass. Report adopted.

**HB 530**, do pass. Report adopted.

**HJR 6**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "RELOCATE"

**Insert:** "LOCATE"

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2. Title, page 1, line 6.

**Strike:** "OFFICE" through "GLASGOW,"

**Insert:** "SATELLITE OFFICES IN RURAL"

3. Page 1, line 8.

**Strike:** "one of the six"

**Insert:** "many"

4. Page 1, line 9.

**Strike:** "was"

**Insert:** "were"

**Strike:** "Glasgow, Montana, to Billings,"

**Insert:** "rural areas to larger cities in"

5. Page 1, line 10.

**Strike:** "Glasgow and Billings"

**Insert:** "their rural homes and larger cities"

6. Page 1, line 11.

**Strike:** "the"

**Following:** "development"

**Strike:** "office provides"

**Insert:** "satellite offices provide"

7. Page 1, line 12.

**Strike:** "the Glasgow area"

**Insert:** "rural areas"

8. Page 1, line 16.

**Strike:** "relocate the"

**Insert:** "locate"

9. Page 1, lines 16 and 17.

**Strike:** "office " on line 16 through "Montana" on line 17

**Insert:** "satellite offices in the rural Montana communities where the offices used to be located, including in Glasgow, Plentywood, Malta, Wolf Point, Circle, Sidney, Glendive, Miles City, Havre, Shelby, and Choteau"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

2/11/2005

**SB 217**, introduced by Larson

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 645**, introduced by Clark, Gutsche, referred to Transportation.

**HB 646**, introduced by MacLaren, referred to Transportation.

**HB 647**, introduced by Mendenhall, referred to Federal Relations, Energy, and Telecommunications.

**HB 648**, introduced by McAlpin, referred to Human Services.

**HB 649**, introduced by McAlpin, referred to State Administration.

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**HB 650**, introduced by Roberts, Kitzenberg, referred to Appropriations.  
**HB 651**, introduced by Cohenour, referred to Transportation.  
**HB 652**, introduced by Cohenour, referred to Education.  
**HB 653**, introduced by Becker, referred to State Administration.  
**HB 654**, introduced by Koopman, referred to Federal Relations, Energy, and Telecommunications.  
**HB 655**, introduced by Maedje, referred to State Administration.  
**HB 656**, introduced by Maedje, referred to Judiciary.  
**HB 657**, introduced by Maedje, Heinert, referred to Taxation.  
**HB 658**, introduced by Sinrud, referred to Human Services.  
**HB 659**, introduced by Sinrud, referred to Judiciary.  
**HB 660**, introduced by A. Olson, referred to Education.  
**HB 661**, introduced by Bergren, referred to Business and Labor.  
**HB 662**, introduced by Dowell, referred to Federal Relations, Energy, and Telecommunications.  
**HB 663**, introduced by Caferro, referred to Human Services.  
**HB 664**, introduced by Caferro, referred to Human Services.  
**HB 665**, introduced by Henry, referred to Human Services.  
**HB 666**, introduced by Bergren, Roush, A. Olson, Witt, Sinrud, Black, Musgrove, Brueggeman, referred to Natural Resources.  
**HB 667**, introduced by Wanzenried, Tester, Arntzen, Lind, Brueggeman, McNutt, Matthews, Kitzenberg, A. Olson, Roberts, Cocchiarella, Klock, referred to Taxation.  
**HB 668**, introduced by Noonan, referred to Fish, Wildlife and Parks.  
**HB 669**, introduced by Gutsche, Lange, Stoker, Windham, referred to Human Services.  
**HB 670**, introduced by Branae, referred to Federal Relations, Energy, and Telecommunications.  
**HB 671**, introduced by Musgrove, Brueggeman, Schmidt, Witt, referred to Transportation.  
**HJR 20**, introduced by Stahl, referred to State Administration.  
**HJR 21**, introduced by Sinrud, Buzzas, L. Jones, Jackson, Larson, Waitschies, Roush, Sesso, Peterson, A. Olson, Stahl, Heinert, Milburn, Andersen, Everett, W. Jones, Klock, Taylor, referred to Federal Relations, Energy, and Telecommunications.  
**HJR 22**, introduced by Peterson, Bales, Witt, L. Jones, Butcher, Ross, Lambert, Wiseman, Malcolm, Keane, Rice, Andersen, referred to Agriculture.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 452** - Representative Parker moved consideration of **HB 452** be placed at the bottom of the second reading board because the sponsor was absent. Without objection, so ordered.

**HB 280** - Representative Wagman moved **HB 280** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98



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Noes: Bixby, Juneau.  
Total 2

Voted Absentee: Harris, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 349** - Representative A. Olson moved **HB 349** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Bixby, Buzzas, Callahan, Campbell, Jayne, Juneau, Kaufmann, Small-Eastman.  
Total 8

Voted Absentee: Harris, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 417** - Representative Lindeen moved **HB 417** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Stahl, Villa, Wanzenried, Ward, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 68

Noes: Balyeat, Barrett, Bixby, D. Brown, R. Brown, Caferro, Campbell, Everett, Hawk, Himmelberger, Jayne, Juneau, Kaufmann, Koopman, Lange, Maedje, Malcolm, McAlpin, Mendenhall, Morgan, A. Olson, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Windham.  
Total 32

Voted Absentee: Harris, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 85

Noes: Bixby, Butcher, Everett, Jayne, Juneau, Koopman, Sales, Sinrud, Small-Eastman, Wells.  
Total 10

Excused: Harris, Windy Boy.  
Total 2

Absent or not voting: L. Jones, W. Jones, Witt.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 64** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Dickenson, Franklin, Henry, Hiner, Jayne, Small-Eastman.  
Total 6

Excused: Harris, Windy Boy.  
Total 2

Absent or not voting: Arntzen, Campbell, Juneau, Maedje, Mendenhall.  
Total 5

**HB 370** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice,

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Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Koopman.  
Total 1

Excused: Harris, Windy Boy.  
Total 2

Absent or not voting: Arntzen, Juneau, Maedje, Mendenhall.  
Total 4

**HB 390** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Harris, Windy Boy.  
Total 2

Absent or not voting: Juneau, Maedje, Mendenhall.  
Total 3

**HB 401** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Everett, Koopman, Sales, Sinrud.  
Total 4

Excused: Harris, Windy Boy.  
Total 2

Absent or not voting: Henry, Juneau, Mendenhall.  
Total 3

**HB 427** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro,

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Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Andersen, Balyeat, Barrett, R. Brown, Hawk, Jayne, Koopman, MacLaren, Rice, Ripley, Sales, Sinrud.

Total 12

Excused: Harris, Windy Boy.

Total 2

Absent or not voting: Juneau, Mendenhall.

Total 2

**SJR 1** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Harris, Windy Boy.

Total 2

Absent or not voting: Juneau, Mendenhall.

Total 2

**MOTIONS**

Dem. Floor Leader Parker moved that HB 417 be re-referred from the Committee of the Whole to the Appropriations Committee. Without objection, so ordered.

Rep. Maedje moved that HB 446 be removed from the Judiciary Committee and placed on 2nd Reading. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 46

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

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Total 50

Excused: Harris, Windy Boy.  
Total 2

Absent or not voting: Juneau, Mendenhall.  
Total 2

**UNFINISHED BUSINESS**

Rep. Koopman requested the following sponsors be added to HB 617: Sen. J. Balyeat, Grimes, McGee, and Stapleton.

Rep. McAlpin requested the following sponsor be added to HB 648: Rep. Caferro.

Rep. Parker requested the following sponsor be deleted from HB 585: Rep. Morgan.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, February 12, 2005. Motion carried.

House adjourned at 3:13 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
THIRTY-FIFTH LEGISLATIVE DAY - FEBRUARY 12, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
February 12, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Driscoll. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Harris, excused. Quorum present.

Speaker Matthews introduced the following Honorary Pages for the day: Jake Brodsky, Helena; Taylor Cohenour, East Helena; and MacKenzie Heinback, East Helena. Speaker Matthews and the House thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/12/2005  
Correctly printed: **HB 426, HB 493, HB 508, HB 530.**  
Correctly engrossed: **HB 177, HB 240, HB 290, HB 291, HB 326, HB 359, HB 365, HB 431, HB 436, HB 476, HB 562, HJR 6.**

**JUDICIARY** (Rice, Chairman): 2/12/2005  
**HB 562**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "LIMITING" on line 6 through "ASSOCIATION;" on line 7

2. Page 1, line 19 through line 20.  
**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence: 2/12/2005

**SB 21**, introduced by Grimes  
**SB 154**, introduced by Cobb  
**SB 259**, introduced by Lewis  
**SB 274**, introduced by Barkus  
**SB 286**, introduced by Ryan  
**SB 299**, introduced by Toole  
**SB 316**, introduced by Lind  
**SB 329**, introduced by Tester  
**SB 340**, introduced by Essmann  
**SB 352**, introduced by Grimes

**Senate joint resolution** passed and transmitted to the House for concurrence: 2/12/2005

**SJR 13**, introduced by Tester

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 672**, introduced by Butcher, referred to Education.  
**HB 673**, introduced by Butcher, referred to Transportation.  
**HB 674**, introduced by Waitschies, Lambert, Keenan, Steinbeisser, Malcolm, Himmelberger, R. Brown, Andersen, Wagman, Ross, Barkus, Lake, referred to Agriculture.  
**HB 675**, introduced by Maedje, referred to Natural Resources.  
**HB 676**, introduced by Maedje, Lange, referred to Taxation.  
**HB 677**, introduced by Kaufmann, referred to Business and Labor.  
**HB 678**, introduced by Cohenour, referred to Transportation.  
**HB 679**, introduced by Cohenour, referred to Federal Relations, Energy, and Telecommunications.  
**HB 680**, introduced by Villa, Mangan, referred to Taxation.  
**HB 681**, introduced by Raser, referred to Education.  
**HB 682**, introduced by Franklin, referred to Human Services.  
**HB 683**, introduced by D. Brown, referred to Transportation.  
**HB 684**, introduced by Maedje, Witt, referred to Transportation.  
**HB 685**, introduced by R. Brown, Lange, Himmelberger, Barrett, Wagman, referred to Federal Relations, Energy, and Telecommunications.  
**HB 686**, introduced by Parker, Bixby, Hendrick, Small-Eastman, Juneau, Windham, Cooney, Wilson, Noonan, referred to Business and Labor.  
**HB 687**, introduced by Mendenhall, referred to Federal Relations, Energy, and Telecommunications.  
**HB 688**, introduced by Franklin, Tropila, Groesbeck, Galvin-Halcro, Wilson, Parker, Golie, Dickenson, Villa, Lenhart, Hiner, Sesso, Keane, Noonan, Callahan, referred to Transportation.  
**HB 689**, introduced by Arntzen, Facey, Noonan, Bergren, Hendrick, Maedje, McAlpin, Witt, Waitschies, Lambert, referred to Taxation.  
**HB 690**, introduced by Gutsche, referred to Human Services.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 186** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Golie, Hawk, Jayne, Juneau, Koopman, B. Olson, Rice, Sonju, Stahl.

Total 9

Excused: Harris.

Total 1

Absent or not voting: Caferro.

Total 1

**HB 280** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Harris.

Total 1

Absent or not voting: Caferro.

Total 1

**HB 349** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Bixby, Branae, Campbell, Franklin, Jayne, Jopek, Juneau.

Total 7

Excused: Harris.

Total 1

Absent or not voting: Caferro.

Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 240** - Representative Musgrove moved **SB 240** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried,



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Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Balyeat, Everett, Koopman, Maedje, Sales, Sinrud, Warden, Wells.  
Total 8

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 451** - Representative Sonju moved **HB 451** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: W. Jones, Sales, Waitschies, Wells, Windy Boy.  
Total 5

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Parker.  
Total 1

**HB 452** - Representative Windy Boy moved **HB 452** do pass. Motion passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Balyeat, Barrett, Everett, Hawk, Koopman, Maedje, McGillvray, Rice, Ripley, Sales, Sinrud, Wells.  
Total 12

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 475** - Representative Buzzas moved **HB 475** do pass. Motion carried as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 45

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 351** - Representative Butcher moved **HB 351** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.

Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman.

Total 44

Voted Absentee: Harris, No.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 181** - Representative Musgrove moved **HB 181** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Balyeat, Bixby, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, Juneau, Klock, Koopman, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Roberts, Sales, Sinrud, Stahl, Waitschies, Wells, Witt.

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Total 25

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 326** - Representative Peterson moved **HB 326** do pass.

**HB 326** - Representative Peterson moved **HB 326**, second reading copy, be amended as follows:

1. Page 4, line 16.

**Following:** "program."

**Insert:** "The residential methamphetamine treatment program must consist of time spent in a residential methamphetamine treatment facility and time spent in a community-based prerelease center."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

**HB 326** - Representative Peterson moved **HB 326**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Buzzas, Koopman.

Total 2

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Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 356** - Representative Noonan moved **HB 356** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Jayne.  
Total 1

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro.  
Total 1

**HB 320** - Representative Facey moved **HB 320** do pass.

**HB 320** - Representative Facey moved **HB 320**, second reading copy, be amended. Amendment failed as follows:

Ayes: Becker, Bergren, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, Kaufmann, Lake, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Windham, Windy Boy, Wiseman.  
Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Keane, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Wilson, Witt, Mr. Speaker.  
Total 56

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Klock.  
Total 1

**HB 320** - Representative Facey moved **HB 320** do pass. Motion **failed** as follows:

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Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Dickenson, Dowell, Facey, Furey, Gallik, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, B. Olson, Parker, Waitschies, Wanzenried, Wilson, Wiseman.  
Total 29

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 71

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 369** - Representative Gallik moved **HB 369** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jackson, L. Jones, W. Jones, Juneau, Koopman, Lake, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Wagman, Waitschies, Wells, Witt.  
Total 30

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

**HJR 12** - Representative Hamilton moved **HJR 12** be adopted. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.  
Total 81

Noes: Andersen, Arntzen, Koopman, Lake, Malcolm, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wells.  
Total 16

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Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: Jent, Windham, Mr. Speaker.

Total 3

**HB 73** - Representative Buzzas moved **HB 73** do pass. Motion carried as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 47

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 97** - Representative Lange moved **HB 97** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 98

Noes: Witt.

Total 1

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

**HB 140** - Representative Parker moved **HB 140** do pass.

**HB 140** - Representative Parker moved **HB 140**, second reading copy, be amended as follows:

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1. Page 3, line 8.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

2. Page 3, line 10.

**Following:** "rule"

**Insert:** ", except that an applicant that does not maintain an office in this state with a credit counselor on the premises shall post a surety bond in the amount of \$50,000"

3. Page 5, line 18.

**Strike:** "or"

4. Page 5, line 20.

**Following:** "[sections 1 through 7]"

**Insert:** "; or

(h) operate in this state without a license"

5. Page 5, line 27.

**Following:** "Remedies"

**Insert:** "-- penalty"

6. Page 6, following line 10.

**Insert:** "(8) A person engaged in credit counseling in this state without a license, a person who fails to maintain a separate trust account for consumer funds, or a person who fails to maintain any records required by the provisions of [sections 1 through 7] or by department rule shall be fined an amount not to exceed \$5,000 for each violation."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Harris.

Total 1

Absent or not voting: None.

Total 0

**HB 140** - Representative Parker moved **HB 140**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie,

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Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Andersen, R. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, Lake, Lambert, Malcolm, Sales, Sinrud, Wagman, Ward.  
Total 14

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Butcher, Jayne, Koopman, Rice, Sales, Wells.  
Total 6

Excused: Harris.  
Total 1

Absent or not voting: Juneau, Small-Eastman, Ward.  
Total 3

Rep. Floor Leader Lange stated the House Republicans will caucus until 11:15 a.m.  
Dem. Floor Leader Bergren stated the House Democrats will caucus.

**MOTIONS**

Rep. Musgrove moved to suspend the House Rules to hear SB 240 on 3rd Reading today.  
Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson,



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Raser, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Koopman, Mendenhall, Rice, Wells.  
Total 5

Excused: Harris.  
Total 1

Absent or not voting: Sinrud.  
Total 1

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 240** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Koopman, Sales, Stahl, Wells.  
Total 4

Excused: Harris.  
Total 1

Absent or not voting: Lindeen, Sinrud.  
Total 2

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 148** - Representative Lambert moved **HB 148** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake,

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Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 85

Noes: Everett, Glaser, Hawk, Jackson, Klock, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Sales, Sesso, Stahl.  
Total 14

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 269** - Representative Clark moved **HB 269** do pass.

**HB 269** - Representative Clark moved **HB 269**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "PROVIDES"

**Insert:** "EXISTING LEGAL"

2. Page 1, line 19.

**Following:** "used to"

**Insert:** "provide existing legal"

**Following:** "access"

**Insert:** "to"

3. Page 1, lines 19 and 20.

**Strike:** "TO" on line 19 through "ACCESS" on line 20

4. Page 2, line 7.

**Following:** "used to"

**Insert:** "provide existing legal"

**Following:** "access"

**Insert:** "to"

5. Page 2, line 8.

**Strike:** "TO ACCESS"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr.

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Speaker.  
Total 95

Noes: Barrett, R. Brown, Sales, Ward.  
Total 4

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

**HB 269** - Representative Clark moved **HB 269**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 49

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 281** - Representative Wagman moved **HB 281** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Voted Absentee: Harris, No.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 285** - Representative Taylor moved **HB 285** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 288** - Representative Noennig moved **HB 288** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 86

Noes: Barrett, D. Brown, Everett, Himmelberger, Jayne, Koopman, Lake, Ripley, Ross, Sales, Sonju, Ward, Warden, Witt.  
Total 14

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 304** - Representative Parker moved consideration of **HB 304** be passed for the day. Motion carried.

**HB 308** - Representative Malcolm moved **HB 308** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock,

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Koopman, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Bergren, R. Brown, Butcher, Everett, Glaser, L. Jones, Lake, Lange, Maedje, Mendenhall, Milburn, B. Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Ward, Witt.  
Total 21

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 321** - Representative Facey moved **HB 321** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 47

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: Taylor.  
Total 1

**HB 330** - Representative Jopek moved **HB 330** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Galvin-Halcro, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Voted Absentee: Harris, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 331** - Representative Parker moved consideration of **HB 331** be passed for the day. Motion carried.

**HB 344** - Representative Gallik moved **HB 344** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Voted Absentee: Harris, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 76

Noes: Bergren, Bixby, Butcher, Campbell, Clark, Cohenour, Eaton, Everett, Gallik, Golie, Groesbeck, Jayne, Juneau, Koopman, Maedje, McAlpin, McGillvray, Mendenhall, Sales, Small-Eastman, Stahl, Wells.  
Total 22

Excused: Harris.  
Total 1

Absent or not voting: Sinrud.  
Total 1

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**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):

2/12/2005

**HB 16**, do pass. Report adopted.

**HB 28**, do pass. Report adopted.

**HB 201**, do pass. Report adopted.

**HB 232**, introduced bill, be amended as follows:

1. Page 2, line 4.

**Strike:** "2007"

**Insert:** "2013"

2. Page 2, line 8.

**Strike:** "2007"

**Insert:** "2013"

And, as amended, do pass. Report adopted.

**HB 271**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "fund"

**Insert:** "for fiscal year 2005"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

2/12/2005

**HB 31**, do pass. Report adopted.

**HB 437**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**SB 60**, be concurred in and placed on the consent calendar. Report adopted.

**MOTIONS**

Dem. Floor Leader Parker moved that HB 528 be re-referred from Business and Labor Committee to the Federal Relations, Energy, and Transportation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that the following bills be re-referred to Appropriations Committee: HB 475, HB 181, HB 326, HB 369, HB 140, HB 148, and HB 288. Without objection, so ordered.

Dem. House Leader Wanzenried moved to suspend the rules to allow for the drafting of a joint resolution. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Butcher, Everett, Koopman, Malcolm, McGillvray, Morgan, Sales, Sonju, Wagman, Wells.

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Total 10

Excused: Harris.

Total 1

Absent or not voting: Gutsche, Sinrud.

Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Monday, February 14, 2005.  
Motion carried.

House adjourned at 12:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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59TH LEGISLATURE  
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
February 14, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Eaton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Lambert and Sinrud, excused. Quorum present.

Sgt.-at-Arms Clark notified Mr. Speaker that Ambassador Baktybek Abdrisaev, the Ambassador from the Krgyz Republic, awaits outside the Chamber. Speaker Matthews appointed Rep. Glaser, Rep. D. Brown, Rep. Hamilton, and Rep. Hiner to escort the Ambassador into the Chamber. Speaker Matthews introduced Ambassador Baktybek Abdrisaev from the Krgyz Republic. The Ambassador briefly addressed the House.

Speaker Matthews thanked Ambassador Abdrisaev and asked the committee to escort the Ambassador from the Chamber.

Speaker Matthews introduced the following pages: Aaron Anderson, Billings; Nick Chamberlain, Sidney; Caitlin Field, Townsend; Lindsay Gossack, Great Falls; Alyssa Nauman, Laurel; and Kirsten Strom, Billings.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

2/14/2005

Correctly printed: **HB 16, HB 28, HB 31, HB 201, HB 437, SB 60.**

Correctly engrossed: **HB 140, HB 232, HB 269, HB 271.**

**APPROPRIATIONS** (Buzzas, Chairman):

2/14/2005

**HB 270**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "MAKING" through "PERMANENT;"

2. Title, page 1, lines 8 through 9.

**Following:** "39-11-202, MCA"

**Insert:** ", AND SECTION 10, CHAPTER 567, LAWS OF 2003"

**Following:** "39-11-204, MCA" on line 8

**Strike:** ", AND SECTION" on line 8 through "2003" on line 9

3. Page 1, line 14.

**Following:** "~~(Temporary)~~"

**Insert:** "(Temporary)"

4. Page 2, line 19.

**Strike:** "a product or a service"

5. Page 2, line 20.

**Following:** "39-11-201,"

**Insert:** "a product or a service"

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6. Page 2, line 21.

**Strike:** "RESULTING"

**Insert:** "which results"

7. Page 3, line 11.

**Following:** "~~L. 2003.~~"

**Insert:** "(Terminates June 30, 2009.)"

8. Page 3, line 14.

**Following:** "~~(Temporary)~~"

**Insert:** "(Temporary)"

9. Page 3, line 15.

**Strike:** "appointed by the governor"

10. Page 3, line 18.

**Following:** "governor"

**Insert:** ", appointed by the governor"

11. Page 3, line 19.

**Strike:** "business"

**Insert:** "commercial banking"

12. Page 3, line 20.

**Following:** "~~house~~"

**Insert:** ", one appointed by the president of the senate and one appointed by the speaker of the house"

13. Page 3, line 22.

**Following:** "20-9-706"

**Insert:** ", appointed by the governor"

14. Page 3, line 23.

**Following:** "governor"

**Insert:** ", appointed by the governor"

15. Page 3, line 24.

**Following:** "governor"

**Insert:** ", appointed by the governor"

16. Page 4, line 16.

**Following:** "~~L. 2003.~~"

**Insert:** "(Terminates June 30, 2009.)"

17. Page 4, line 19.

**Following:** "~~(Temporary)~~"

**Insert:** "(Temporary)"

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18. Page 7, line 1.

**Following:** "operation"

**Insert:** "in the state of Montana"

19. Page 7, line 13.

**Following:** "~~L. 2003.~~"

**Insert:** "(Terminates June 30, 2009.)"

20. Page 7.

**Following:** line 13

**Insert:** "**Section 4.** Section 10, Chapter 567, Laws of 2003, is amended to read:

**"Section 10. Termination.** [This act] terminates June 30, ~~2007~~ 2009."

**Renumber:** subsequent sections

21. Page 7, line 15.

**Strike:** "(1)"

22. Page 7, line 16.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/14/2005

**SB 73**, introduced by Mangan

**SB 91**, introduced by Smith

**SB 103**, introduced by Cromley

**SB 278**, introduced by Black

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 691**, introduced by Sales, Warden, Waitschies, Hendrick, Himmelberger, Wells, Furey, McKenney, R. Brown, Wanzenried, Clark, Wagman, Bergren, Sinrud, Gutsche, Brueggeman, Sonju, referred to State Administration.

**HB 692**, introduced by Bixby, Dickenson, referred to Select Committee on Education.

**HB 693**, introduced by Wells, Curtiss, Koopman, Hendrick, referred to Judiciary.

**HB 694**, introduced by Raser, referred to Transportation.

**HB 695**, introduced by Jayne, Windham, Hiner, Caferro, referred to Judiciary.

**HB 696**, introduced by Jayne, Kaufmann, Caferro, Hiner, referred to Human Services.

**HB 697**, introduced by Jayne, Kaufmann, Caferro, referred to Judiciary.

**HB 698**, introduced by Lange, R. Brown, Wagman, Arntzen, Himmelberger, referred to Natural Resources.

**HB 699**, introduced by Lange, referred to Business and Labor.

**HB 700**, introduced by Mendenhall, referred to Natural Resources.

**HB 701**, introduced by Noennig, referred to Judiciary.

**HB 702**, introduced by Malcolm, referred to Fish, Wildlife and Parks.

**HB 703**, introduced by Bergren, Tester, referred to Taxation.

**HB 704**, introduced by Windy Boy, Keenan, Jacobson, Caferro, R. Brown, Barrett, Grimes, referred to Human Services.

**HB 705**, introduced by Parker, referred to Judiciary.

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**HB 706**, introduced by McAlpin, referred to State Administration.

**HB 707**, introduced by Groesbeck, referred to Fish, Wildlife and Parks.

**HB 708**, introduced by Sonju, D. Brown, Wagman, referred to Local Government.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 23**, introduced by Jopek, referred to Business and Labor.

**HJR 24**, introduced by Bergren, referred to Federal Relations, Energy, and Telecommunications.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 73** passed as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 43

Excused: Lambert.

Total 1

Absent or not voting: Butcher, Jent, Sales.

Total 3

**HB 97** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Caferro, Campbell, Jayne.

Total 3

Excused: Lambert.

Total 1

Absent or not voting: Jent, Sales.

Total 2

**HB 281** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Facey, Glaser, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 42

Excused: Lambert.

Total 1

Absent or not voting: Jent, Sales.

Total 2

**HB 285** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Harris.

Total 1

Excused: Lambert.

Total 1

Absent or not voting: Campbell, Jent, Sales.

Total 3

**HB 308** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Butcher, Campbell, Everett, Glaser, Hawk, Himmelberger, L. Jones, Klock, Lake, Mendenhall, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Ward.

Total 17

Excused: Lambert.

Total 1

Absent or not voting: Sales.

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Total 1

**HB 321** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Wells, Witt.

Total 45

Excused: Lambert.

Total 1

Absent or not voting: Sales.

Total 1

**HB 351** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Eaton, Everett, Facey, Gallik, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Franklin, Furey, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 45

Excused: Lambert.

Total 1

Absent or not voting: Sales.

Total 1

**HB 356** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Jayne.

Total 1

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Excused: Lambert.

Total 1

Absent or not voting: Sales.

Total 1

**HB 451** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Campbell, W. Jones, Koopman, Malcolm, Waitschies, Wells, Windy Boy.

Total 7

Excused: Lambert.

Total 1

Absent or not voting: Sales.

Total 1

**HB 452** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: Balyeat, Barrett, Everett, Hawk, Klock, Koopman, MacLaren, Malcolm, McGillvray, Rice, Ripley, Sinrud, Wells.

Total 13

Excused: Lambert.

Total 1

Absent or not voting: Sales.

Total 1

**HJR 12** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

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Noes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Everett, Grinde, Hawk, Heinert, L. Jones, Koopman, Lake, McNutt, Milburn, Morgan, Rice, Ripley, Ross, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 26

Excused: Lambert.  
Total 1

Absent or not voting: Sales.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Lake in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 331** - Representative Parker moved consideration of **HB 331** be placed below 426 on the second reading board. Motion carried.

**HB 304** - Representative Rice moved **HB 304** do pass.

**HB 304** - Representative Rice moved **HB 304**, second reading copy, be amended as follows:

1. Page 2, lines 18, 22, and 26.

**Following:** "~~alien~~."

**Insert:** ", commonly known as an illegal alien,"

2. Page 4, line 3.

**Following:** "~~alien~~."

**Insert:** "commonly known as an illegal alien,"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Campbell, Cohenour, Eaton, Everett, Facey, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 75

Noes: Bergren, Branae, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Franklin, Furey, Gallik, Golie, Groesbeck, Harris, Henry, Hiner, Keane, Lindeen, Noonan, Raser, Sesso, Villa, Wanzenried, Windy Boy.  
Total 24

Voted Absentee: Small-Eastman, Aye.

Excused: Lambert.  
Total 1

Absent or not voting: None.  
Total 0



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**HB 304** - Representative Rice moved **HB 304**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bergren, Caferro, Campbell, Dowell, Jopek, Windy Boy.  
Total 6

Voted Absentee: Lambert, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 345** - Representative Gallik moved **HB 345** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Sales, Stoker, Waitschies.  
Total 3

Voted Absentee: Lambert, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 346** - Representative Golie moved **HB 346** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Voted Absentee: Lambert, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 366** - Representative Koopman moved **HB 366** do pass.

**HB 366** - Representative Koopman moved **HB 366**, as amended, do pass. Amendment failed as follows:

Ayes: Andersen, Arntzen, Barrett, R. Brown, Butcher, Campbell, Everett, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 46

Noes: Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Ripley, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 52

Voted Absentee: Small-Eastman, No.

Excused: Lambert.  
Total 1

Absent or not voting: Mendenhall.  
Total 1

**HB 366** - Representative Koopman moved **HB 366** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Glaser, Golie, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Dickenson, Dowell, Facey, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jent, Jopek, Juneau, Kaufmann, Keane, Musgrove, Noennig, Raser, Sesso, Small-Eastman, Villa, Windy Boy.  
Total 27

Voted Absentee: Lambert, Aye; Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

Rep. Parker moved consideration of **HB 379** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 385** - Representative Wells moved **HB 385** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 83

Noes: Bixby, Buzzas, Callahan, Campbell, Dowell, Franklin, Galvin-Halcro, Golie, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Keane, Windy Boy, Wiseman.

Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: Lambert.

Total 1

Absent or not voting: None.

Total 0

**HB 386** - Representative Sinrud moved **HB 386** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.

Total 90

Noes: Buzzas, Galvin-Halcro, Groesbeck, Jayne, Jopek, Juneau, Kaufmann, Wilson.

Total 8

Voted Absentee: Lambert, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: L. Jones, Mr. Speaker.

Total 2

**HB 426** - Representative Grinde moved **HB 426** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Sonju,

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Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Andersen, Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Jayne, W. Jones, Juneau, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Ward, Wells, Witt.  
Total 31

Voted Absentee: Small-Eastman, Aye; Lambert, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 331** - Representative Wanzenried moved **HB 331** do pass.

**HB 331** - Representative Roberts moved **HB 331**, second reading copy, be amended as follows:

1. Title, line 6.  
**Strike:** "MEDICAL MALPRACTICE"  
**Insert:** "CASUALTY"

2. Page 1, line 27.  
**Strike:** "MEDICAL MALPRACTICE"  
**Insert:** "casualty"

3. Page 2, line 4.  
**Strike:** "MEDICAL MALPRACTICE"  
**Insert:** "casualty"

4. Page 2, line 6.  
**Strike:** "MEDICAL MALPRACTICE"  
**Insert:** "casualty"

5. Page 2, line 11.  
**Strike:** "OR WITH AN ELIGIBLE SURPLUS LINES INSURER"

6. Page 2, line 17.  
**Strike:** "OR WITH AN ELIGIBLE SURPLUS LINES INSURER"

7. Page 2, line 22.  
**Strike:** "OR WITH AN ELIGIBLE SURPLUS LINES INSURER"

8. Page 2, lines 24 and 25.  
**Strike:** "OR WITH AN ELIGIBLE SURPLUS LINES INSURER"

Amendment adopted as follows:

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Ayes: Andersen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 73

Noes: Arntzen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Klock, Koopman, Lake, McKenney, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.  
Total 26

Voted Absentee: Small-Eastman, Aye.

Excused: Lambert.  
Total 1

Absent or not voting: None.  
Total 0

**HB 331** - Representative Wanzenried moved **HB 331**, second reading copy, be further amended as follows:

1. Page 5, line 14.

**Following:** "policyholders."

**Insert:** "The commissioner shall ensure that a premium contingency assessment imposed upon policyholders under [section 7] and this section or a premium rate increase imposed on the policyholders under [section 7] is sufficient to ultimately cover all expenses of the association described in [section 5(3)] and to reimburse the members for all assessments imposed on them by the association."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: Lambert.  
Total 1

Absent or not voting: None.  
Total 0

**HB 331** - Representative Wanzenried moved **HB 331**, second reading copy, be further amended as follows:

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1. Page 4, line 27.

**Following:** "increase"

**Insert:** "on the association's policyholders"

2. Page 4, line 28.

**Following:** "on the"

**Insert:** "association's"

3. Page 5, line 8.

**Strike:** "policyholder"

**Insert:** "of the association's policyholders"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Mendenhall.

Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: Lambert.

Total 1

Absent or not voting: Driscoll, Wells.

Total 2

**HB 331** - Representative Wanzenried moved **HB 331**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Balyeat, D. Brown, Everett, Hawk, Klock, Koopman, McKenney, Mendenhall, Milburn, A. Olson, Rice, Ripley, Sales, Sonju, Waitschies, Wells, Witt.

Total 17

Voted Absentee: Small-Eastman, Aye.

Excused: Lambert.

Total 1

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Absent or not voting: None.  
Total 0

**HB 473** - Representative Parker moved consideration of **HB 473** be passed for the day. Motion carried.

**HB 478** - Representative Warden moved **HB 478** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 91

Noes: Buzzas, Dickenson, Galvin-Halcro, Gutsche, Harris, W. Jones, Kaufmann, Raser, Wiseman.  
Total 9

Voted Absentee: Lambert, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 483** - Representative Bergren moved **HB 483** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Milburn.  
Total 1

Voted Absentee: Lambert, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 460** - Representative Clark moved **HB 460** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, MacLaren, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman,

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Mr. Speaker.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 51

Voted Absentee: Small-Eastman, Aye; Lambert, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Campbell, Driscoll, Eaton, Everett, Groesbeck, Hamilton, Harris, Hawk, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 61

Noes: Becker, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Gutsche, Henry, Hiner, Jayne, Juneau, Kaufmann, Koopman, Noonan, Sales, Villa, Wanzenried, Windham, Windy Boy.  
Total 30

Excused: Lambert, Small-Eastman.  
Total 2

Absent or not voting: Dowell, Grinde, Heinert, Jopek, Lindeen, Parker, Raser.  
Total 7

**MOTIONS**

Dem. Floor Leader Parker moved that HB 385 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 426 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 627 be re-referred from the Business and Labor Committee to the Agriculture Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 708 be re-referred from Local Government Committee to the Federal Relations, Energy, and Telecommunications Committee. Without objection, so ordered.

Rep. Maedje moved to suspend the rules to allow introduction of a late joint resolution. Motion carried as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Lambert, Small-Eastman.  
Total 2

Absent or not voting: Golie, Jackson, Malcolm.  
Total 3

**UNFINISHED BUSINESS**

Rep. Peterson requested the following sponsor be added to HB 326: Sen. Schmidt.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Rice, Chairman):

2/14/2005

**HB 577**, do pass. Report adopted.

**HB 598**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:45 p.m., Tuesday, February 15, 2005.  
Motion carried.

House adjourned at 2:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
February 15, 2005

House Chambers  
State Capitol

House convened at 12:45 p.m. Mr. Speaker in the Chair. Invocation by Rep. Sinrud. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Caferro and Small-Eastman, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Sergeant-of-Arms Clark escorted the Carroll College football team into the House Chambers. The House members sang "When the Saints Come Marching In."

Chief Clerk Marilyn Miller read the following proclamation regarding the Carroll College football team.

**PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA**

February 15, 2005

WHEREAS, on Saturday, December 18, 2004, at Jim Carroll Stadium in Savannah, Tennessee, the Carroll College Fighting Saints football team won its third-consecutive NAIA National Championship, the first three-time national crown in Montana history and in school history and, nationally, the first for the NAIA since incorporating all divisions into one; and

WHEREAS, the Saints won the December 18 championship victory over the University of St. Francis (Indiana) Cougars by a score of 15-13 in one of the most exciting football contests ever televised, including the Saints' game-winning field goal in the final seconds of the game; and

WHEREAS, the Saints amassed a season record of 11-2, including wins over Azusa Pacific (California) and Dickinson State; and

WHEREAS, the team included 5 NAIA First-Team All-Americans, 8 NAIA All-American Scholar-Athletes, 9 First-Team All-Conference Players and 22 Academic All-Conference players; and

WHEREAS, the team also included the 2003 NAIA National Player of the Year, the 2004 Frontier Conference Offensive and Defensive Most Valuable Players and the championship game's Most Valuable Player--Offense;

WHEREAS, since 2001, Carroll College has been consistently recognized by the NAIA as a Champion of Character institution emphasizing the five core values of respect, integrity, responsibility, leadership and sportsmanship; and

WHEREAS, Saints Head Coach Mike Van Diest was the 2003 American Football Coaches Association Division II Coach of the Year and the NAIA National Coach of the Year; and

WHEREAS, the Saints' Offensive Coordinator and Quarterback Coach Nick Howlett was named the NAIA National Assistant Coach of the Year for 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the congratulations of all Montanans be extended to the Carroll College Fighting Saints' players and coaching staff for their hard work and dedication to the sport, to the principles of sportsmanship and leadership, to academic excellence, and to their school, families and proud community, both locally and statewide.

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President of the Senate

Speaker of the House

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 2/15/2005  
Correctly printed: **HB 577, HB 598.**  
Correctly engrossed: **HB 270, HB 304, HB 331.**

**APPROPRIATIONS** (Buzzas, Chairman): 2/15/2005  
**HB 18**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "ADDING" through "DEVELOPMENT;"

2. Page 1, line 18.  
**Strike:** "11"  
**Insert:** "10"

3. Page 1, line 22.  
**Strike:** line 22 in its entirety  
**Renumber:** subsequent subsection

4. Page 2, lines 7 through 13.  
**Strike:** "(1)" on line 7 through "commission." on line 13

5. Page 2, line 14.  
**Strike:** "(2)"  
**Insert:** "(1)"  
**Renumber:** subsequent subsections

6. Page 2, line 15.  
**Strike:** "\$200,000"  
**Insert:** "\$120,000"

7. Page 2, line 18.  
**Following:** "appropriated"  
**Insert:** "for the biennium beginning July 1, 2005,"

And, as amended, do pass. Report adopted.

**HB 109**, do pass. Report adopted.  
**HB 170**, do pass. Report adopted.  
**HB 505**, do pass. Report adopted.  
**HB 550**, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman): 2/15/2005  
**HB 372**, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 2/15/2005

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**HJR 16**, be adopted. Report adopted.

**HB 647**, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):  
**HB 340**, introduced bill, be amended as follows:

2/15/2005

1. Title, line 4.  
**Strike:** "PROVIDING"  
**Insert:** "ALLOWING"

2. Page 1, line 11.  
**Strike:** "appropriated"  
**Insert:** "available"  
**Following:** "section, the"  
**Insert:** "["  
**Following:** "justice"  
**Insert:** "]"  
**Strike:** "shall"  
**Insert:** "may"

3. Page 1, line 14.  
**Following:** "The"  
**Insert:** "["  
**Following:** "department"  
**Insert:** "]"  
**Strike:** "shall"  
**Insert:** "may"

4. Page 2, line 18.  
**Insert:** "COORDINATION SECTION. **Section 2. Coordination instruction.** If House Bill No. 31 and [this act] are both passed and approved, then the references to the department of justice in [section 1] must be substituted with a reference to the office of substance abuse prevention and treatment."  
**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 556**, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):  
**HB 450**, introduced bill, be amended as follows:

2/15/2005

1. Title, page 1, line 5 through line 6.  
**Strike:** "CLARIFYING" on line 5 through "PARCELS;" on line 6  
**Following:** "PROVIDING FOR" on line 6  
**Strike:** "COMPLIANCE WITH"  
**Insert:** "CONSIDERATION OF"

2. Page 1, line 19.  
**Following:** ";"  
**Insert:** "and"

3. Page 1, line 20.  
**Strike:** "; and"  
**Insert:** "."

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4. Page 1, line 21.

**Strike:** line 21 in its entirety

5. Page 2, line 7.

**Strike:** "comply with"

**Insert:** "implement review criteria in consideration of"

6. Page 2, line 8.

**Following:** "provisions"

**Insert:** "except to the extent that the provisions violate Article X, section 4 or 11, of the Montana constitution"

7. Page 2, line 19.

**Strike:** "to"

**Insert:** "that in the opinion of the board may"

8. Page 2, line 20.

**Following:** "state,"

**Insert:** ", at such time as the board may consider to be in the best interests of the state,"

9. Page 2, line 22.

**Strike:** "All sales must conform with"

**Insert:** "Except to the extent that the following provisions violate Article X, section 4 or 11, of the Montana constitution, the board and the department shall consider"

And, as amended, do pass. Report adopted.

**TAXATION** (Waitschies, Chairman):

2/15/2005

**HB 219**, introduced bill, be amended as follows:

1. Page 8, line 3.

**Following:** "total"

**Insert:** "federal"

2. Page 8, line 4.

**Following:** "for"

**Insert:** "the 48 contiguous states and the District of Columbia for"

3. Page 8.

**Following:** line 11

**Insert:** "(c) Only two additional exemptions allowed under this subsection (6) may be claimed for a household. If a joint return is filed, two additional exemptions may be claimed."

And, as amended, do pass. Report adopted.

**HB 513**, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

2/15/2005

**HB 492**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Strike:** "both sides"

**Insert:** "one side"

And, as amended, do pass. Report adopted.

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**HB 684**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/15/2005

**SB 5**, introduced by Hansen  
**SB 41**, introduced by Keenan  
**SB 108**, introduced by Lewis  
**SB 116**, introduced by Laible  
**SB 126**, introduced by Brueggeman  
**SB 184**, introduced by Mangan  
**SB 194**, introduced by Laible  
**SB 195**, introduced by Wheat  
**SB 205**, introduced by Shockley  
**SB 222**, introduced by Barkus  
**SB 225**, introduced by Cocchiarella  
**SB 233**, introduced by Kitzenberg  
**SB 264**, introduced by Smith  
**SB 282**, introduced by Smith  
**SB 288**, introduced by Cooney  
**SB 298**, introduced by Tropila  
**SB 312**, introduced by Bales  
**SB 322**, introduced by Gillan  
**SB 325**, introduced by Gebhardt  
**SB 326**, introduced by Laslovich  
**SB 328**, introduced by Squires  
**SB 342**, introduced by Laslovich

**House bills concurred in and returned to the House:**

2/15/2005

**HB 84**, introduced by Kaufmann  
**HB 193**, introduced by Waitschies  
**HB 194**, introduced by Matthews

**House bill concurred in as amended** and returned to the House for concurrence in Senate amendments:

2/15/2005

**HB 115**, introduced by McNutt

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 709**, introduced by Raser, referred to Judiciary.  
**HB 710**, introduced by Hiner, referred to State Administration.  
**HB 711**, introduced by McKenney, referred to Transportation.  
**HB 712**, introduced by Heinert, Maedje, referred to State Administration.  
**HB 713**, introduced by Franklin, referred to Appropriations.  
**HB 714**, introduced by Mendenhall, Wells, Hendrick, Sesso, referred to Natural Resources.  
**HB 715**, introduced by Maedje, Harris, referred to Appropriations.  
**HB 716**, introduced by MacLaren, Himmelberger, Clark, Lange, R. Brown, Rice, Arntzen, Witt, Lindeen, Bergren, referred to Taxation.  
**HB 717**, introduced by Warden, Arntzen, Koopman, Hendrick, Wagman, McGillvray, Everett, Wells, Rice, Himmelberger, R. Brown, Morgan, Taylor, Sinrud, John Balyeat, Ripley, Milburn, Barrett, Sonju, Roberts, Sales, Klock, Noonan, referred to Taxation.

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**HB 718**, introduced by Koopman, referred to Judiciary.  
**HB 719**, introduced by Gallik, referred to Transportation.  
**HB 720**, introduced by Sinrud, referred to Taxation.  
**HB 721**, introduced by Parker, Harris, Buzzas, Roberts, Groesbeck, Jacobson, Hiner, Campbell, Dickenson, Milburn, Jopek, Peterson, Hendrick, Wilson, Raser, Dowell, Branae, Tester, Grimes, Wanzenried, Franklin, Musgrove, Hamilton, Wiseman, Henry, Sesso, Windham, Cohenour, Galvin-Halcro, Eaton, Golie, Grinde, Noonan, Gutsche, Driscoll, Furey, Squires, Caferro, McGee, Elliott, Bergren, Becker, Windy Boy, Matthews, Perry, Laslovich, Stahl, referred to Judiciary.  
**HB 722**, introduced by Lange, referred to Federal Relations, Energy, and Telecommunications.  
**HB 723**, introduced by Branae, referred to Human Services.  
**HB 724**, introduced by Sinrud, Stoker, Matthews, Lange, Bergren, referred to Taxation.  
**HB 725**, introduced by Klock, referred to Federal Relations, Energy, and Telecommunications.  
**HB 726**, introduced by Gutsche, Windham, referred to Judiciary.  
**HB 727**, introduced by A. Olson, referred to Judiciary.  
**HB 728**, introduced by Lange, referred to Agriculture.  
**HB 729**, introduced by B. Olson, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 25**, introduced by Maedje, Curtiss, Hendrick, Witt, Heinert, referred to Natural Resources.  
**HJR 26**, introduced by Harris, McGillvray, Wiseman, Hiner, referred to Natural Resources.  
**HJR 27**, introduced by Harris, referred to Taxation.  
**HJR 28**, introduced by Lange, referred to Federal Relations, Energy, and Telecommunications.  
**HJR 29**, introduced by Rice, Koopman, Jackson, Mendenhall, Klock, Barrett, Taylor, Ross, Everett, Windham, L. Jones, referred to Agriculture.  
**HJR 30**, introduced by Roberts, Clark, referred to Fish, Wildlife and Parks.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 269** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McKenney, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Witt, Mr. Speaker.  
Total 37

Excused: Caferro, Small-Eastman.  
Total 2

Absent or not voting: Sales.  
Total 1

**HB 345** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey,

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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Sales, Stoker, Waitschies.  
Total 3

Excused: Caferro, Small-Eastman.  
Total 2

Absent or not voting: Everett.  
Total 1

**HB 346** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Caferro, Small-Eastman.  
Total 2

Absent or not voting: Grinde, Hendrick.  
Total 2

**HB 386** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Buzzas, Campbell, Franklin, Gallik, Galvin-Halcro, Hamilton, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Noonan, Wilson.  
Total 14

Excused: Caferro, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0



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**HB 478** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 84

Noes: Buzzas, Dickenson, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, W. Jones, Juneau, Kaufmann, McKenney, Raser, Windy Boy, Wiseman.  
Total 14

Excused: Caferro, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 483** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Milburn, Windy Boy.  
Total 2

Excused: Caferro, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

Rep. Bergren stated the House Democrats will caucus.  
Rep. Lange stated the House Republicans will caucus.  
Speaker Matthews announced the House will stand at ease until 1:35 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gutsche in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Parker moved consideration of **HB 379** be passed for the day. Motion carried.

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**HB 473** - Representative Parker moved **HB 473** do pass.

**HB 473** - Representative Parker moved **HB 473**, second reading copy, be amended as follows:

1. Page 1, line 18.

**Strike:** "AN INFLAMMABLE"

**Insert:** "a nonflammable"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Caferro, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 473** - Representative Parker moved **HB 473**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lambert, Lange, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.

Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Glaser, Himmelberger, Jayne, L. Jones, Juneau, Klock, Koopman, Lake, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.

Total 40

Voted Absentee: Caferro, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 493** - Representative Noonan moved **HB 493** do pass.

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**HB 493** - Representative Noonan moved **HB 493**, second reading copy, be amended as follows:

1. Page 1, line 16.

**Following:** "projects"

**Insert:** ", including projects at an airport or port authority,"

2. Page 2, line 2.

**Following:** "state."

**Insert:** "The plans and specifications must be reviewed and approved by the department."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Stoker, Taylor, Villa, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Balyeat, Barrett, Butcher, Everett, Koopman, Lake, Malcolm, Rice, Ross, Sales, Sonju, Stahl, Wagman, Ward, Warden, Witt.

Total 16

Voted Absentee: Furey, Aye.

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

**HB 493** - Representative Noonan moved **HB 493**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Himmelberger, Koopman, Lake, MacLaren, Rice, Ross, Sales, Sinrud, Sonju, Ward, Warden, Wells.

Total 17

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 508** - Representative Hendrick moved **HB 508** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Balyeat, D. Brown.

Total 2

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530** - Representative Matthews moved **HB 530** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HB 99** - Representative Lange moved **HB 99** do pass.

**HB 99** - Representative Lange moved **HB 99**, second reading copy, be amended as follows:

1. Page 1, line 28.

**Strike:** "NOT TO" through "\$10,000"

**Insert:** "of not less than 15 days or more than 6 months or a fine of \$2,000"

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Caferro, Furey, Small-Eastman.

Total 3

Absent or not voting: None.

Total 0

**HB 99** - Representative Lange moved **HB 99**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Bergren, Bixby, Caferro, Campbell, Jayne, Juneau, Kaufmann, Koopman, Maedje, Noonan, Rice, Small-Eastman, Witt.

Total 13

Voted Absentee: Furey, Aye; Caferro, Small-Eastman, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 16** - Representative Ripley moved **HB 16** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Everett, Koopman, Sales, Sinrud.

Total 4

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Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**HB 31** - Representative Roberts moved **HB 31** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Koopman, Lange, MacLaren, Malcolm, Mendenhall, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 33

Voted Absentee: Furey, Small-Eastman, Ayes; Caferro, No.

Excused: None.  
Total 0

Absent or not voting: Bixby, Keane, Maedje.  
Total 3

**HB 177** - Representative A. Olson moved **HB 177** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Franklin, Galvin-Halcro, Stoker, Villa.  
Total 4

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 232** - Representative Noennig moved **HB 232** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey,

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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 88

Noes: D. Brown, Everett, Jayne, Koopman, Mendenhall, Sales, Sinrud, Sonju, Ward, Warden, Wells, Witt.

Total 12

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Wanzenried moved consideration of **HB 359** be passed for the day. Motion carried.

**HB 365** - Representative Maedje moved **HB 365** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, R. Brown, Butcher, Everett, Facey, Glaser, Groesbeck, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Keane, Klock, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 51

Noes: Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Hawk, Hiner, Jent, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, A. Olson, B. Olson, Parker, Ross, Sales, Sinrud, Small-Eastman, Villa, Waitschies, Wanzenried, Windham, Windy Boy, Wiseman.

Total 49

Voted Absentee: Caferro, Furey, Small-Eastman, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gutsche moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

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Noes: Butcher, Dowell, Gallik, Golie, Koopman, Rice, Sales, Sinrud, Wanzenried.  
Total 9

Excused: Caferro, Furey, Small-Eastman.  
Total 3

Absent or not voting: Buzzas, Windham.  
Total 2

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 730**, introduced by Lange, referred to Judiciary.  
**HB 731**, introduced by Koopman, referred to Judiciary.  
**HB 732**, introduced by Roberts, referred to Federal Relations, Energy, and Telecommunications.  
**HB 733**, introduced by Dowell, referred to Judiciary.  
**HB 734**, introduced by Koopman, referred to Agriculture.  
**HB 735**, introduced by Lenhart, referred to Judiciary.  
**HB 736**, introduced by Furey, referred to Transportation.  
**HB 737**, introduced by McNutt, referred to Human Services.  
**HB 738**, introduced by Kaufmann, referred to Human Services.  
**HB 739**, introduced by Sinrud, referred to Transportation.  
**HB 740**, introduced by Heinert, Curtiss, Maedje, referred to Human Services.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 31**, introduced by Cohenour, referred to State Administration.

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 99 to the Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 31 to the Appropriations Committee. Without objection, so ordered.

Rep. Clark moved to reconsider action on HB 460.

Rep. Sinrud moved to table Rep. Clark's motion on HB 460. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 46

Excused: Caferro, Furey, Small-Eastman.  
Total 3



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Absent or not voting: Juneau.  
Total 1

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 437, SB 60. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:30 p.m., Wednesday, February 16, 2005.  
Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
February 16, 2005

House Chambers  
State Capitol

House convened at 1:30 p. m. Mr. Speaker in the Chair. Invocation by Rep. Lindeen. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Caferro, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/16/2005  
Correctly printed: **HB 109, HB 170, HB 372, HB 505, HB 513, HB 550, HB 556, HB 647, HB 684, HJR 16.**  
Correctly engrossed: **HB 18, HB 99, HB 219, HB 340, HB 450, HB 473, HB 492, HB 493.**  
Correctly enrolled: **HB 84, HB 193, HB 194.**  
Examined by the sponsor and found to be correct: **HB 84, HB 193, HB 194.**

**BUSINESS AND LABOR** (Keane, Chairman): 2/16/2005  
**HB 418**, introduced bill, be amended as follows:

1. Page 2, line 24 through page 3, line 7.

**Strike:** "who" on page 2, line 24 through "section." on page 3, line 7

**Insert:** "having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, having responsibility to direct them, to adjust their grievances, or effectively to recommend the above actions, if in connection with the foregoing the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

(b) An employee designated as a working foreman is not a supervisory employee. For the purposes of this subsection, "working foreman" means an employee who directs the work activities of other employees and also performs work activities in conjunction with those employees."

And, as amended, do pass. Report adopted.

**HB 521**, introduced bill, be amended as follows:

1. Page 2, line 19.

**Following:** "harvested,"

**Insert:** "or"

**Following:** "raised"

**Strike:** ", collected,"

**Insert:** "in Montana, or if packaged"

**Following:** "manufactured"

**Insert:** ", it must be packaged or manufactured in Montana and the contents must be at least 50% produced in Montana"

And, as amended, do pass. Report adopted.

**HB 549**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

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2. Title, line 9.

**Following:** "2-8-303"

**Insert:** "AND 18-4-302"

3. Page 1, line 19.

**Strike:** "Except as provided in 18-4-302, a"

**Insert:** "A"

4. Page 2, following line 20.

**Insert:** "Section 3. Section 18-4-302, MCA, is amended to read:

**"18-4-302. Methods of source selection -- authorization for alternative procurement methods. (1)** Unless otherwise authorized by law, all state contracts for supplies and services must be awarded by a source selection method provided for in this title. Supplies or services offered for sale, lease, or rental by public utilities are exempt from this requirement if the prices of the supplies or services are regulated by the public service commission or other governmental authority.

(2) When the department or another agency opens bids or proposals, if a supplier's current publicly advertised or established catalog price is received at or before the time that the bids or proposals are opened and is less than the bid of the lowest responsible and responsive bidder or offeror or improves upon the conditions for the best proposal received using the same factors and weights included in the proposal, the department or agency may reject all bids and purchase the supply from that supplier without meeting the requirements of 18-4-303 through 18-4-306.

~~(3) An office supply procured by the department's central stores program may be purchased by an agency, without meeting the requirements of 18-4-303 through 18-4-306, from a supplier whose publicly advertised price, established catalog price, or discount price offered to the agency is less than the price offered by the central stores program if the office supply conforms in all material respects to the terms, conditions, and quality offered by the central stores program. A state office supply term contract must include a provision by which the contracting parties acknowledge and agree to the provisions of this subsection.~~

~~(4)(3)~~ (a) Under rules adopted by the department, an agency may request from the department authorization for an alternative procurement method.

(b) A request for authorization must specify:

(i) the problem to be solved;

(ii) the proposed alternative procurement method;

(iii) the reasons why the alternative procurement method may be more appropriate than a method authorized by law; and

(iv) how competition and fairness will be achieved by the alternative procurement method.

(c) Within 30 days after receiving the request, the department shall:

(i) evaluate the request;

(ii) approve or deny the request; and

(iii) issue a written statement providing the reasons for its decision.

(d) Whenever the department approves a request submitted under this section, the department:

(i) may authorize the alternative procurement method on a trial basis; and

(ii) if the alternative procurement method is employed, shall make a written determination as to the success of the method.

(e) If the department determines that the alternative procurement method is successful and should be an alternative that is generally available, it shall promulgate rules that establish the use of the alternative procurement method as an additional source selection method. The rules promulgated by the department under this subsection must reflect the purposes described in 18-4-122. (Subsection ~~(4)~~ (3) terminates June 30, 2005--sec. 29, Ch. 181, L. 2001.)"

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 638**, do pass. Report adopted.

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**EDUCATION** (Galvin-Halcro, Chairman):  
**HB 151**, introduced bill, be amended as follows:

2/16/2005

1. Title, page 1, line 6.

**Following:** "SPECIALISTS"

**Insert:** "WHO ARE EMPLOYED FULL-TIME IN A MONTANA PUBLIC SCHOOL OR PARTICIPATING IN AN OFFICE OF PUBLIC INSTRUCTION INTERNSHIP TO ADD AN ENDORSEMENT TO THEIR EXISTING LICENSES AND WHO HAVE BEEN TEACHING 10 YEARS OR LESS AFTER BEING CERTIFIED"

2. Title, page 1, line 8.

**Following:** "ACCRUE"

**Strike:** "ONE" through "YEARS"

**Insert:** "THREE CREDITS IN ONE 5-YEAR PERIOD"

3. Page 2, line 14.

**Strike:** "five"

**Insert:** "three"

4. Page 2, line 15.

**Following:** "specialist"

**Insert:** "who is employed full-time in a Montana public school or participating in an office of public instruction internship to add an endorsement to an existing license and who has been teaching 10 years or less after being"

5. Page 2, line 16.

**Strike:** "five"

**Insert:** "three"

And, as amended, do pass. Report adopted.

**HJR 17**, introduced joint resolution, be amended as follows:

1. Title, line 5 through line 6.

**Strike:** "REQUIRE" on line 5 through "EDUCATION" on line 6

**Insert:** "CONSIDER THE BENEFITS OF INCREASING HEALTH ENHANCEMENT"

2. Title, line 6.

**Strike:** "HIGH SCHOOL"

**Insert:** "SCHOOLS"

**Following:** "ENCOURAGING"

**Strike:** "HIGH"

3. Page 1, line 15.

**Following:** "29%"

**Insert:** "of all high school students and 23% of all 7th and 8th grade students"

4. Page 1, line 18.

**Following:** "school"

**Insert:** "and junior high school"

5. Page 1.

**Following:** line 19

**Insert:** "WHEREAS, health enhancement is part of the Montana accreditation standards upon which a quality education is built; and"

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6. Page 1, line 25 through line 26.

**Strike:** "require" on line 25 through "education" on line 26

**Insert:** "consider additional health enhancement"

7. Page 1, line 26.

**Strike:** "high"

8. Page 1, line 27.

**Strike:** "high"

9. Page 2, line 1.

**Strike:** "high"

**Following:** "school"

**Insert:** "district"

And, as amended, be adopted. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

2/16/2005

**HJR 13**, be adopted. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/16/2005

**HB 392**, do pass. Report adopted.

**HB 585**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Strike:** "and who" through "pregnant"

2. Page 1, line 14.

**Strike:** "20"

**Insert:** "30"

3. Page 1, line 21.

**Strike:** "offender" through "the"

4. Page 1, line 23.

**Strike:** "5 years or"

**Insert:** "10 years and"

**Strike:** ", or both"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

2/16/2005

**HB 173**, do pass. Report adopted.

**HB 376**, do pass. Report adopted.

**HB 536**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "REMOVING"

**Insert:** "EXTENDING"

2. Title, page 1, line 7.

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**Following:** "MCA"

**Insert:** ", AND SECTION 5, CHAPTER 498, LAWS OF 2003"

3. Title, page 1, line 8.

**Following:** "MCA"

**Strike:** ", " through "2003"

4. Page 1, line 14.

**Following:** "(Temporary)"

**Insert:** "(Temporary)"

5. Page 1, line 28.

**Following:** "2003)"

**Insert:** "(Terminates June 30, 2009.)"

6. Page 1.

**Following:** line 28

**Insert:** "Section 2. Section 5, Chapter 498, Laws of 2003, is amended to read:  
"Section 5. Termination. [This act] terminates June 30, ~~2005~~ 2009."

**Renumber:** subsequent sections

7. Page 1, line 30 through page 2, line 1.

**Following:** "MCA" on line 30

**Strike:** ", " line 30 through "are" on page 2, line 1

**Insert:** "is"

And, as amended, do pass. Report adopted.

**HB 587**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**TAXATION** (Waitschies, Chairman):

2/16/2005

**HB 433**, do pass. Report adopted.

**HB 541**, do pass. Report adopted.

**HB 607**, do pass. Report adopted.

**HB 625**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** the first "THE" through "COUNTY"

**Insert:** "A RESIDENT OF THE AREA"

2. Title, page 1, line 12 through page 16.

**Strike:** "REVISING" on line 12 through "DISTRICT;" on line 16

**Insert:** "REQUIRING THAT A PETITION FOR ESTABLISHING A RESORT AREA BE PUBLISHED IN A  
NEWSPAPER OF GENERAL CIRCULATION;"

3. Title, page 1, line 16.

**Following:** "7-6-1506,"

**Insert:** "AND"

**Strike:** "7-6-1533, AND 7-6-1536,"

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4. Page 2, line 8.

**Strike:** "the board of county commissioners"

**Insert:** "a person who is a resident of the area"

5. Page 2, line 17.

**Strike:** "the governing body"

**Insert:** "a person who is a resident"

6. Page 4, line 28 through line 30.

**Strike:** subsection (c) in its entirety

7. Page 5, line 2.

**Following:** "7-6-1504."

**Insert:** "The petition must be published in a newspaper that meets the qualifications of 7-6-1504(6)(b) 4 weeks before the petition is submitted to the board of county commissioners."

8. Page 5, line 6 through page 6, line 8.

**Strike:** section 5 through section 8 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/16/2005

**SB 131**, introduced by Black

**SB 293**, introduced by Black

**SB 296**, introduced by Black

**SB 337**, introduced by Weinberg

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 741**, introduced by Peterson, Bales, Ross, Witt, Black, Lake, Essmann, Story, Mangan, referred to Taxation.

**HB 742**, introduced by Buzzas, Harris, Dickenson, Gutsche, Wiseman, Henry, Musgrove, Kaufmann, Raser, Hamilton, Roberts, Franklin, Dowell, A. Olson, Hiner, Lambert, Wanzenried, Lenhart, referred to Human Services.

**HB 743**, introduced by Harris, Campbell, Hendrick, MacLaren, Jacobson, Noennig, McGillvray, B. Olson, Andersen, Eaton, Stahl, Maedje, Jopek, Barrett, Henry, McAlpin, Arntzen, referred to Local Government.

**HB 744**, introduced by Maedje, Larson, referred to Natural Resources.

**HB 745**, introduced by Matthews, Cooney, referred to Appropriations.

**HB 746**, introduced by Klock, referred to Transportation.

**HB 747**, introduced by Driscoll, referred to Education.

**HB 748**, introduced by Wells, referred to Appropriations.

The following House resolution was introduced, read first time, and referred to committee:

**HR 2**, introduced by Sonju, referred to Judiciary.

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Rep. Lange announced the House Republicans will caucus. Speaker Matthews stated the House will stand in recess until 2:00 p.m.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 16** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Everett, Koopman, Sales.

Total 3

Excused: Caferro.

Total 1

Absent or not voting: Clark, Gallik, Jayne, Mendenhall, Noonan.

Total 5

**HB 177** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Galvin-Halcro, Jayne.

Total 2

Excused: Caferro.

Total 1

Absent or not voting: Bixby, Noonan, Stahl.

Total 3

**HB 232** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud,



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Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: D. Brown, Everett, Jackson, Koopman, Mendenhall, Sales, Sonju, Warden, Wells, Witt.  
Total 10

Excused: Caferro.  
Total 1

Absent or not voting: Jayne, Noonan.  
Total 2

**HB 304** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Windy Boy.  
Total 1

Excused: Caferro.  
Total 1

Absent or not voting: Jayne, Noonan.  
Total 2

**HB 331** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, Hawk, Hendrick, Koopman, Lake, McKenney, Mendenhall, Milburn, Rice, Ripley, Sales, Sonju, Ward, Wells.  
Total 14

Excused: Caferro.  
Total 1

Absent or not voting: Henry, Jayne.  
Total 2

**HB 365** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Keane, Klock, Koopman,

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Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.  
Total 57

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Henry, Hiner, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, A. Olson, B. Olson, Parker, Ross, Small-Eastman, Waitschies, Wanzenried, Windham, Windy Boy, Wiseman.  
Total 41

Excused: Caferro.  
Total 1

Absent or not voting: Jayne.  
Total 1

**HB 366** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Butcher, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Golie, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Becker, Bixby, Branae, D. Brown, Buzzas, Callahan, Dickenson, Dowell, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Harris, Henry, Jent, Jopek, Juneau, Kaufmann, Keane, Musgrove, Noennig, Sesso, Small-Eastman, Windy Boy.  
Total 24

Excused: Caferro.  
Total 1

Absent or not voting: Glaser, Jayne.  
Total 2

**HB 437** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Everett, MacLaren, Rice, Sales, Sinrud, Sonju, Wells.  
Total 7

Excused: Caferro.  
Total 1

Absent or not voting: Jayne.  
Total 1

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**HB 508** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Caferro.

Total 1

Absent or not voting: Jayne.

Total 1

**HB 530** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Caferro.

Total 1

Absent or not voting: Jayne.

Total 1

**SB 60** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

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Excused: Caferro.  
Total 1

Absent or not voting: Jayne, Taylor.  
Total 2

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Parker moved consideration of **HB 379** be placed below #11 on the second reading board. Motion carried.

**HB 359** - Representative Gutsche moved **HB 359** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, McGillvray, McKenney, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sonju, Taylor, Wagman, Waitschies, Witt.  
Total 31

Voted Absentee: Caferro, Aye.

Excused: None.  
Total 0

Absent or not voting: L. Jones, Morgan.  
Total 2

**HB 436** - Representative Himmelberger moved **HB 436** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Cohenour, Dowell, Driscoll, Everett, Facey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wiseman, Mr. Speaker.  
Total 69

Noes: Bergren, Bixby, Branae, Callahan, Clark, Dickenson, Eaton, Franklin, Furey, Gallik, Golie, Gutsche, Hamilton, Harris, Henry, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, Mendenhall, Musgrove, Parker, Rice, Small-Eastman, Stahl, Wanzenried, Wilson, Windham, Windy Boy, Witt.  
Total 31

Voted Absentee: Caferro, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 379** - Representative Windy Boy moved **HB 379** do pass.

**HB 379** - Representative Windy Boy moved **HB 379**, second reading copy, be amended as follows:

1. Title, line 7.

**Strike:** "FEDERAL MINERAL LEASE AND ROYALTY INCOME"

**Insert:** "PROCEEDS THAT WERE DEDICATED TO THE ORPHAN SHARE ACCOUNT FROM THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAX PROCEEDS AND FROM THE DISTRIBUTION OF OIL AND GAS PRODUCTION TAXES"

2. Title, line 8.

**Strike:** "SECTION 17-3-240"

**Insert:** "SECTIONS 15-36-331, 15-38-106, AND 75-10-743"

3. Page 1, line 17.

**Strike:** "money" through the second "and"

**Insert:** "funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;

(b) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331; and"

4. Page 1, line 18.

**Strike:** "(b)"

**Insert:** "(c)"

5. Page 1, line 30 through page 2, line 18.

**Strike:** section 2 in its entirety

**Insert:** "Section 2. Section 15-36-331, MCA, is amended to read:

"**15-36-331. Distribution of taxes.** (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 15-1-501, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(3) (a) For tax year 2003 and succeeding tax years, the amount of oil and natural gas production taxes determined under subsection (1)(b) plus the phased-out amount distributed pursuant to 15-36-324(12)(b) as that section read on December 31, 2002, is allocated to each county according to the following schedule:

2003 2004 2005 2006 and succeeding tax years

Big Horn	45.03%	45.04%	45.04%	45.05%
Blaine	57.56%	57.84%	58.11%	58.39%
Carbon	50.24%	49.59%	48.93%	48.27%
Chouteau		56.67%	57.16%	57.65% 58.14%
Custer	103.63%		92.27%	80.9% 69.53%
Daniels	48.31%	49.15%	49.98%	50.81%
Dawson		56.32%	53.48%	50.64% 47.79%
Fallon	39.89%	40.52%	41.15%	41.78%
Fergus	112.2%	97.86%	83.52%	69.18%
Garfield		54.51%	51.66%	48.81% 45.96%
Glacier	76.56%	70.65%	64.74%	58.83%

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Golden Valley	55.5%	56.45%	57.41%	58.37%
Hill	66.97%	66.15%	65.33%	64.51%
Liberty	63.32%	61.53%	59.73%	57.94%
McCone	58.75%	55.81%	52.86%	49.92%
Musselshell	57.06%	54.25%	51.44%	48.64%
Petroleum	67.8%	61.21%	54.62%	48.04%
Phillips	53.3%	53.54%	53.78%	54.02%
Pondera		104.14%	87.51%	70.89% 54.26%
Powder River	64.7%	63.44%	62.17%	60.9%
Prairie	38.43%	39.08%	39.73%	40.38%
Richland	45.23%	45.97%	46.72%	47.47%
Roosevelt	46.75%	46.4%	46.06%	45.71%
Rosebud	37.41%	38.05%	38.69%	39.33%
Sheridan	46.64%	47.09%	47.54%	47.99%
Stillwater	56.05%	55.2%	54.35%	53.51%
Sweet Grass	58.23%	59.24%	60.24%	61.24%
Teton	53.01%	50.71%	48.4%	46.1%
Toole	56.2%	56.67%	57.14%	57.61%
Valley	59.82%	57.02%	54.22%	51.43%
Wibaux	47.71%	48.19%	48.68%	49.16%
Yellowstone	50.69%	49.37%	48.06%	46.74%
All other counties		50.15%	50.15%	50.15% 50.15%

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for the fiscal year ending June 30, 2003, to be distributed as follows:

(i) a total of \$400,000 to the coal bed methane protection account established in 76-15-904; and

(ii) all remaining proceeds to the state general fund;

(b) for the fiscal year beginning July 1, 2003, through the fiscal year ending June 30, 2011, to be distributed as follows:

(i) 1.23% to the coal bed methane protection account established in 76-15-904;

(ii) 2.95% to the reclamation and development grants special revenue account established in 90-2-1104;

(iii) 2.95% to the ~~orphan share account established in 75-10-743~~ long-term or perpetual water treatment permanent trust fund provided for in [section 1];

(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(v) all remaining proceeds to the state general fund;

(c) for fiscal years beginning after June 30, 2011, to be distributed as follows:

(i) 4.18% to the reclamation and development grants special revenue account established in 90-2-1104;

(ii) 2.95% to the ~~orphan share account established in 75-10-743~~ long-term or perpetual water treatment permanent trust fund provided for in [section 1];

(iii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(iv) all remaining proceeds to the state general fund. ""

**Insert: "Section 3.** Section 15-38-106, MCA, is amended to read:

**"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds.** (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following order:

(a) annually in due course, from the proceeds of the tax to the CERCLA match debt service fund provided in 75-10-622, the amount necessary, as certified by the department of environmental quality, after crediting to the CERCLA match debt service fund amounts transferred from the CERCLA cost recovery account established under 75-10-631, to pay the principal of, premium, if any, and interest during the next fiscal year on bonds or notes issued pursuant to 75-10-623;

(b) \$366,000 of the proceeds of the resource indemnity and ground water assessment taxes in the ground water assessment account established by 85-2-905;

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(c) 50% of the remaining proceeds in the reclamation and development grants account established by 90-2-1104, for the purpose of making grants to be used for mineral development reclamation projects;

(d) \$150,000 of the remaining proceeds of the resource indemnity and ground water assessment taxes in the natural resource workers' tuition scholarship account established in 39-10-106 for the first fiscal year following July 1 immediately after the date that the governor certifies that the resource indemnity trust fund balance has reached \$100 million and for succeeding fiscal years, the amount required under 39-10-106(4);

(e) all remaining proceeds in the ~~orphan share account established in 75-10-743~~ long-term or perpetual water treatment permanent trust fund provided for in [section 1].

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer. (Terminates June 30, 2007--sec. 10, Ch. 586, L. 2001.)

**15-38-106. (Effective July 1, 2007) Payment of tax -- records -- collection of taxes -- refunds.** (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following order:

(a) annually in due course, from the proceeds of the tax to the CERCLA match debt service fund provided in 75-10-622, the amount necessary, as certified by the department of environmental quality, after crediting to the CERCLA match debt service fund amounts transferred from the CERCLA cost recovery account established under 75-10-631, to pay the principal of, premium, if any, and interest during the next fiscal year on bonds or notes issued pursuant to 75-10-623;

(b) \$366,000 of the proceeds in the ground water assessment account established by 85-2-905;

(c) 50% of the remaining proceeds in the ~~orphan share account established in 75-10-743~~ long-term or perpetual water treatment permanent trust fund provided for in [section 1]; and

(d) all remaining proceeds in the reclamation and development grants account established by 90-2-1104, for the purpose of making grants to be used for mineral development reclamation projects.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer. ""

**Insert: "Section 4.** Section 75-10-743, MCA, is amended to read:

**"75-10-743. Orphan share state special revenue account -- reimbursement of claims -- payment of department costs.** (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-751 and, except as provided in subsection (10), to pay costs incurred by the department in defending the orphan share.

(2) There must be deposited in the orphan share account:

(a) all penalties assessed pursuant to 75-10-750(12);

(b) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202;

~~(c) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;~~

~~(d) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;~~

~~(e)(c)~~ unencumbered funds remaining in the abandoned mines state special revenue account;

~~(f)(d)~~ interest income on the account;

~~(g)(e)~~ funds received from settlements pursuant to 75-10-719(7); and

~~(h)(f)~~ funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share fund contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share fund does not contain sufficient money

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to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share fund, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share fund does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsection (8), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share fund until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Reimbursement from the orphan share fund must be limited to actual documented remedial action costs incurred after the date of a petition provided for in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-751 in proportion to their allocated shares. The orphan share fund is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share fund, the department's costs incurred in defending the orphan share must be paid from the orphan share fund in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share fund, persons participating in the allocation under 75-10-742 through 75-10-751 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share fund and must be reimbursed as provided in subsection (3).

(7) If sufficient money remains in the orphan share fund on June 29, 2003, \$999,000 must be transferred to the general fund.

(8) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(9) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share fund for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

(10) For the biennium beginning July 1, 2003, and subject to the provisions of section 4, Chapter 199, Laws of 2003, the department may transfer funds from the orphan share fund to the environmental quality protection fund established in 75-10-704, the hazardous waste/CERCLA account established in 75-10-621, or both. The total amount transferred pursuant to this subsection may not exceed \$600,000."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Andersen, Barrett, Jackson, W. Jones, McGillvray, Rice, Ross, Sales, Sonju.  
Total 9

Voted Absentee: Caferro, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 379** - Representative Windy Boy moved **HB 379**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.  
Total 32

Voted Absentee: Caferro, Aye.

Excused: None.  
Total 0

Absent or not voting: McNutt.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Butcher, Everett, Golie, Hawk, Koopman, McGillvray, Mendenhall, Rice, Sales, Sinrud, Stahl, Wagman, Wells.  
Total 13

Excused: Caferro.  
Total 1

Absent or not voting: R. Brown, W. Jones.  
Total 2

**MOTIONS**

Dem. Floor Leader Parker moved that HB 379 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Stoker moved HB 490 be taken from the State Administration Committee and placed on 2nd Reading. Speaker Matthews stated this is a blast motion and requires a 3/5 vote. Motion passed as follows:

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Ayes: Arntzen, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Driscoll, Everett, Facey, Franklin, Furey, Glaser, Gutsche, Hawk, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Balyeat, Becker, Bixby, Buzzas, Campbell, Cohenour, Dickenson, Dowell, Eaton, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Malcolm, Musgrove, B. Olson, Raser, Small-Eastman, Villa, Windy Boy, Wiseman.

Total 31

Excused: Caferro.

Total 1

Absent or not voting: Heinert, Windham.

Total 2

Rep. Ward moved HB 602 be taken from the Judiciary Committee and placed on 2nd Reading. Speaker Matthews stated this is a blast motion and requires a 3/5 vote. Motion failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Dowell, Everett, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 44

Excused: Caferro.

Total 1

Absent or not voting: None.

Total 0

**UNFINISHED BUSINESS**

Rep. Parker requested the following sponsors be added to HB 721: Rep. Lange, Sen. Black, Sen. Cocchiarella, Sen. Gillan, Sen. Harrington, Sen. Mangan, Sen. Roush, Sen. Ryan, Sen. Schmidt, Sen. Tropila, and Sen. Wheat.

Rep. Lange requested the following sponsors be added to HB 728: Rep. Arntzen, Rep. Becker, Rep. Branae, Rep. R. Brown, Rep. Buzzas, Rep. Driscoll, Rep. Eaton, Rep. Facey, Rep. Glaser, Rep. Grinde, Rep. Gutsche, Rep. Hamilton, Rep. Henry, Rep. Himmelberger, Rep. Lindeen, Rep. McGillvray, Rep. Morgan, Rep. Noennig, Rep. A. Olson, Rep. Raser, Rep. Roberts, and Rep. Wanzenried.

**REPORTS OF STANDING COMMITTEES**

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**JUDICIARY** (Rice, Chairman):

2/16/2005

**HB 611**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "PROVIDING" on line 5 through "MISDEMEANOR;" on line 6

2. Page 1, line 30.

**Strike:** "a state prison"

**Insert:** "the county jail"

3. Page 2, line 1.

**Following:** "than"

**Insert:** "7 days or more than"

**Strike:** "or more than 2 years"

4. Page 2, line 2.

**Following:** "~~or second~~"

**Insert:** "or second"

5. Page 2, line 5 through line 6.

**Strike:** "in a state" on line 5 through "prison" on line 6

**Strike:** "1 year" on line 6

**Insert:** "90 days"

6. Page 2, line 8.

**Following:** "~~prison.~~"

**Insert:** "If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison."

And, as amended, do pass. Report adopted.

**HB 614**, do pass. Report adopted.

**HB 615**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Following:** "shall"

**Insert:** ", at the request of the department of environmental quality,"

2. Page 1, line 14.

**Following:** "also"

**Insert:** ", at their request,"

And, as amended, do pass. Report adopted.

**HB 637**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "DATE"

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**Insert:** "AND A TERMINATION DATE"

2. Page 5, line 10.

**Insert:** "NEW SECTION. **Section 7. Termination.** [Sections 1 through 5] terminate July 1, 2007. "

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Thursday, February 17, 2005.  
Motion carried.

House adjourned at 2:57 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana  
February 17, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Koopman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Republican Leader Roy Brown. Rep. Brown stated that HB 222 and HB 659 received a tie vote during the executive action in the House Judiciary Committee, and he would like to exercise two of the discretionary bills allowed under the adopted rules of the House (H30-50 Procedures, Subsection 5) on HB 222 and HB 659.

Republican Leader Brown asked that HB 222 and HB 659 be placed on the agenda for the purposes of 2nd Reading on Friday, February 18, 2005.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/17/2005  
Correctly engrossed: **HB 151, HB 379, HB 418, HB 521, HB 536, HB 549, HB 585, HB 611, HB 615, HB 625, HB 637, HJR 17.**  
Signed by the Chief Clerk of the House at 3:40 p.m., February 16, 2005: **HB 84, HB 193, HB 194.**  
Signed by the Speaker at 4:25 p.m., February 16, 2005: **HB 84, HB 193, HB 194.**  
Signed by the President at 4:45 p.m., February 16, 2005: **HB 84, HB 193, HB 194.**  
Delivered to the Governor for approval at 9:25 a.m., February 17, 2005: **HB 84, HB 193, HB 194.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 2/17/2005  
**HB 631**, do pass. Report adopted.  
**HB 687**, do pass. Report adopted.  
**HJR 24**, be adopted. Report adopted.

**JUDICIARY** (Rice, Chairman): 2/17/2005  
**HB 222**, without recommendation. Report adopted.  
**HB 659**, without recommendation. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 2/17/2005  
**HB 442**, introduced bill, be amended as follows:

1. Title, line 4.  
**Strike:** "STREETS AND"  
**Insert:** "CERTAIN PRIVATE"

2. Page 1, line 22.  
**Strike:** "(a)"  
**Strike:** "streets and"  
**Insert:** "certain private"

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3. Page 1, line 23.

**Following:** "meet"

**Strike:** "the"

**Insert:** "certain"

**Strike:** "adopted under"

**Insert:** "as provided in"

4. Page 1, lines 24 and 25.

**Strike:** subsection (b) in its entirety

5. Page 4, line 4 through line 5.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) A registered land surveyor may inspect a private subdivision road, and there is no requirement to have a licensed engineer inspect the road if:

(a) the road is subject only to county subdivision regulations and is not subject to municipal subdivision regulations;

(b) the road is a gravel road;

(c) the surveyor inspecting the road is not the same surveyor and is not financially affiliated with the surveyor who prepared the plat; and

(d) the specifications of the road under the county subdivision regulations require no more than:

(i) a specified height of base or pit run material;

(ii) a specified height of finish gravel;

(iii) a specified width of the road surface;

(iv) a specified width or depth of materials for driveway approaches;

(v) that driveway approaches have a culvert;

(vi) a specified compaction rate; and

(vii) a specified clearance distance on the right-of-way.

(4) If the conditions in subsection (3) are satisfied, a registered land surveyor may make an inspection to ensure that turnouts, cul-de-sacs, or other similar road features are the appropriate size and height and have the appropriate compaction rate.

(5) A registered land surveyor may not be prohibited from inspecting features of the road or right-of-way under this section that are incidental to the primary purpose and are related to measurements of distances, materials, clear zones, or similar regulations."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

2/17/2005

**HB 428**, introduced bill, be amended as follows:

1. Page 5, line 5.

**Following:** "and"

**Strike:** "the district court shall consider the factors"

2. Page 7, line 4.

**Following:** "and"

**Strike:** "the district court shall consider the factors"

And, as amended, do pass. Report adopted.

**HB 429**, introduced bill, be amended as follows:

1. Page 22, lines 24 and 25.

**Following:** "may," on line 24

**Strike:** remainder of line 24 through "and" on line 25

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And, as amended, do pass. Report adopted.

**HB 606**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "A SMALL MINER WHO INTENDS"

**Insert:** "CERTAIN SMALL MINERS WHO INTEND"

2. Title, page 1, line 5.

**Strike:** "AN OPERATING PERMIT"

**Insert:** "OPERATING PERMITS"

3. Page 3, line 15.

**Following:** "(8)(a)"

**Strike:** "A"

**Insert:** "Except for a small miner proposing to conduct a placer or dredge mining operation, a"

4. Page 3, line 16.

**Following:** "operation"

**Insert:** "before constructing an impoundment"

5. Page 3, line 19.

**Following:** "(b)"

**Strike:** "A"

**Insert:** "Except for a small miner who conducts a placer or dredge mining operation, a"

**Strike:** "solid"

6. Page 3, line 20.

**Following:** "shall"

**Strike:** "apply for an operating permit"

**Insert:** "obtain an operating permit within 1 year of [the effective date of this act]"

And, as amended, do pass. Report adopted.

**HB 612**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Following:** "proof of"

**Insert:** "vehicle liability insurance and"

**Following:** "million in"

**Insert:** "commercial general"

2. Page 1, line 28.

**Following:** "proof of"

**Insert:** "vehicle liability insurance and"

**Following:** "million in"

**Insert:** "commercial general"

3. Page 2, line 9.

**Following:** line 8

**Insert:** " (8) Permit applications pursuant to subsection (1)(b) are categorical exclusions as defined by rule, and the department is not required to comply with the provisions of 75-1-201(1) in reviewing those applications.  
(9) Proposed timber sales under subsection (1)(b) do not take precedence over the timely sale and harvest of green timber pursuant to 77-5-207.

(10) Permit applications made pursuant to this section may be subject to further environmental review, and the number of permits may be limited if the department determines that sales may have a cumulative effect on geographic area."

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And, as amended, do pass. Report adopted.

**HJR 9**, introduced joint resolution, be amended as follows:

1. Page 1, line 25.

**Strike:** "impact"

**Insert:** "impacts, both positive and negative,"

2. Page 2, line 5.

**Following:** "impact"

**Insert:** ", positive and negative, "

3. Page 2, line 10.

**Following:** "impacts"

**Insert:** ", positive or negative, "

4. Page 2, line 11.

**Following:** "had on"

**Strike:** "the" through "impacts"

**Insert:** "local economies surrounding those areas, on the state economy, and on other aspects of society and the environment"

And, as amended, be adopted. Report adopted.

**HJR 18**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "STOP CLOSING"

**Insert:** "NOT ARBITRARILY CLOSE"

2. Page 1, line 12.

**Following:** "WHEREAS, "

**Strike:** "elderly, disabled, and physically challenged Americans"

**Insert:** "Americans, especially those who are elderly, disabled, or physically challenged, "

3. Page 1, line 13.

**Following:** "roads"

**Insert:** "and access to trails and streams"

4. Page 1, line 14 through line 15.

**Strike:** ", through" on line 14 through "wilderness" on line 15

**Insert:** "should manage lands for multiple-use opportunities"

5. Page 1, line 20 through line 21.

**Strike:** "have volunteered" on line 20

**Insert:** "could volunteer"

**Strike:** "and have" on line 20 through "agencies" on line 21

6. Page 1, line 26.

**Strike:** "stop closing"

**Insert:** "not arbitrarily close"

7. Page 1, line 27.

**Strike:** "properly"

**Insert:** "be properly funded and"



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8. Page 1, line 28.

**Following:** "lands"

**Insert:** ", trails, and streams"

And, as amended, be adopted. Report adopted.

**TAXATION** (Waitschies, Chairman):

2/17/2005

**HB 410**, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "PROVIDING" on line 9 through "INTEREST;" on line 10

2. Title, page 1, line 14.

**Strike:** "15-10-420,"

3. Page 1, line 20.

**Following:** "exceptions"

**Insert:** "-- appeal"

**Strike:** "(8)"

**Insert:** "(9)"

4. Page 1, line 21 through line 24.

**Strike:** "residential" on line 21 through "purpose" on line 24

**Insert:** "improvements classified under 15-6-134 that are completed after January 1 of the tax year must be assessed and taxed from the date on which the property is occupied or the property is put in use"

5. Page 1, line 25 through page 2, line 4.

**Strike:** subsections (2) and (3) in their entirety

**Insert:** "(2) (a) The owner of improvements described in subsection (1) shall, within 30 days of the applicable date referred to in subsection (1), notify the department, on a form prescribed by the department, that the property exists and is capable of being occupied or used.

(b) If the owner fails to notify the department as required under subsection (2)(a), the owner is subject to a penalty equal to 0.667% of the amount of tax due as determined under subsection (5).

(3) (a) As soon as practical after receiving the notice under subsection (2), the department shall appraise the improvements as provided in Title 15, chapters 7 and 8.

(b) The department shall, within 30 days of the appraisal, mail the owner a notice of appraisal. The notice must contain the information described in 15-7-102(1)(c).

(c) The notice must advise the owner that in order to be eligible for a refund of taxes from an appeal of the appraisal, the owner is required to pay the taxes under protest as provided in 15-1-402.

(d) Any misinformation provided in the notice does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(4) If the owner of the improvements is dissatisfied with the appraisal, the procedures for review and appeal described in 15-7-102(3) through (6) apply."

**Renumber:** subsequent subsections

6. Page 2, line 10.

**Strike:** "(5)(b)"

**Insert:** "(6)(b)"

7. Page 2, line 13.

**Strike:** "not"

8. Page 2, line 15.

**Strike:** "October 1"

**Insert:** "the second Monday in August"

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9. Page 2, line 17.

**Strike:** "Immediately upon"

**Insert:** "Upon"

10. Page 2, line 21 through line 22.

**Strike:** ", in" through "section" on line 22

**Following:** "."

**Insert:** "Improvements that are assessed on or before July 1 of the current tax year must be included in the estimate of the total taxable value of newly taxable property for the purposes of 15-10-202(1) for the current tax year. Improvements assessed after July 1 of the current tax year must be included in the estimate of the total taxable value of newly taxable property in the following tax year."

11. Page 2, line 25.

**Following:** ";

**Insert:** "or"

12. Page 2, line 26 through line 28.

**Following:** "remodeling of" on line 26

**Insert:** "or additions to existing"

**Strike:** "if" on line 26 through "property" on line 28

13. Page 2, line 28.

**Insert:** "(10) The provisions of this section do not prohibit the department from assessing and taxing improvements classified under 15-6-134 that are under construction on January 1 of the tax year. The improvements must be valued based upon the percentage of completion of the construction on that date."

14. Page 4, line 9.

**Following:** "section 1"

**Insert:** "(7)"

15. Page 5, line 9 through page 7, line 11.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

16. Page 8, line 2.

**Following:** "section 1"

**Insert:** "(6)(b)"

17. Page 8, line 8.

**Following:** "section 1"

**Insert:** "(6)(b)"

18. Page 8, line 12.

**Strike:** "Except" through "all"

**Insert:** "All"

19. Page 10, line 20.

**Following:** "section 1"

**Insert:** "(7)"

And, as amended, do pass. Report adopted.

**HB 535**, introduced bill, be amended as follows:

1. Page 6, line 17.

**Strike:** "more than 3 barrels"

**Insert:** "first 1"

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And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/17/2005

**SB 101**, introduced by Schmidt  
**SB 177**, introduced by Ryan  
**SB 185**, introduced by Mangan  
**SB 255**, introduced by Gebhardt

**SB 191**, introduced by Grimes, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/17/2005

Yeas - 47  
Nays - 3

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 749**, introduced by Ripley, Kaufmann, Morgan, Jayne, Matthews, Witt, R. Brown, referred to Human Services.  
**HB 750**, introduced by McKenney, referred to Business and Labor.  
**HB 751**, introduced by Maedje, referred to Natural Resources.  
**HB 752**, introduced by Callahan, Stapleton, McNutt, Matthews, Lambert, Ellingson, Larson, Brueggeman, referred to State Administration.  
**HB 753**, introduced by Himmelberger, Facey, referred to Federal Relations, Energy, and Telecommunications.  
**HB 754**, introduced by Koopman, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 439** - Representative Wiseman moved **HB 439** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 90

Noes: Hawk, Heinert, Jackson, Jayne, Maedje, Malcolm, Mendenhall, B. Olson, Wells.  
Total 9

Excused: None.

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Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 431** - Representative Raser moved **HB 431** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hamilton, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wells, Witt.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 482** - Representative Lindeen moved **HB 482** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Klock, Koopman, Lambert, Maedje, McGillvray, Morgan, B. Olson, Roberts, Sinrud, Stahl, Stoker, Warden, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 562** - Representative Franklin moved **HB 562** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

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Noes: R. Brown, Everett, Gallik, Jayne, Sales, Stahl, Warden, Wells.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Caferro, Sinrud.  
Total 2

**HJR 6** - Representative Windy Boy moved **HJR 6** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: D. Brown, R. Brown, Hawk, Jackson, Koopman, Morgan, Roberts, Sales, Sonju.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Branae, Small-Eastman.  
Total 2

**HB 60** - Representative Harris moved **HB 60** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Balyeat, Bixby, Everett, Jackson, Jayne, Juneau, Klock, Koopman, Malcolm, Waitschies.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Roberts.  
Total 1

**HB 63** - Representative Villa moved **HB 63** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley,

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Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Bergren, Parker.  
Total 2

**HB 245** - Representative MacLaren moved **HB 245** do pass.

**HB 245** - Representative MacLaren moved **HB 245**, second reading copy, be amended as follows:

1. Title, line 4 through line 5.  
**Strike:** "CHILD UNDER 16 YEARS OF AGE"  
**Insert:** "MINOR"

2. Page 1, line 19.  
**Strike:** "16 YEARS OF AGE"  
**Insert:** "the age of majority"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dowell, Eaton, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Hawk, Heinert, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, A. Olson, B. Olson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wilson, Witt, Mr. Speaker.  
Total 56

Noes: Becker, Bergren, Branae, D. Brown, Buzzas, Callahan, Clark, Dickenson, Driscoll, Facey, Franklin, Furey, Gallik, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Kaufmann, Koopman, Lange, Lindeen, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Rice, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 245** - Representative MacLaren moved **HB 245**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 75

Noes: Becker, Bixby, D. Brown, Buzzas, Callahan, Driscoll, Facey, Furey, Gallik, Gutsche, Hamilton, Henry, Jayne, Jopek, Juneau, Kaufmann, Lindeen, Malcolm, Mendenhall, Musgrove, Noennig, Small-Eastman, Sonju, Ward,

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Windy Boy.  
Total 25

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 290** - Representative Small-Eastman moved **HB 290** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 291** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 363** - Representative Eaton moved **HB 363** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 84

Noes: Balyeat, Barrett, D. Brown, Everett, Glaser, Jackson, Jayne, Juneau, A. Olson, Rice, Ripley, Sales, Sonju, Waitschies, Witt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro,

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Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Becker, Everett, Hawk, Koopman, Maedje, McGillvray, Mendenhall, Rice, Sales, Sinrud, Sonju, Stahl, Wells.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Henry, MacLaren, McNutt.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 359** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Witt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Branae.  
Total 1

**HB 436** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, R. Brown, Butcher, Buzzas, Cohenour, Driscoll, Eaton, Everett, Galvin-Halcro, Glaser, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wiseman, Mr. Speaker.  
Total 67

Noes: Arntzen, Bixby, Branae, D. Brown, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Facey, Franklin, Furey, Gallik, Golie, Gutsche, Hamilton, Henry, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, Mendenhall, Musgrove, Rice, Small-Eastman, Stahl, Wanzenried, Wilson, Windham, Windy Boy.  
Total 32



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Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**HB 473** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 69

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Glaser, Himmelberger, Jayne, W. Jones, Juneau, Koopman, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Raser, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Warden, Wells, Witt, Mr. Speaker.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 493** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Balyeat, Barrett, D. Brown, R. Brown, Himmelberger, Koopman, Ross, Sales, Sinrud, Sonju, Ward, Wells.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Bixby, Gallik.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Keane, Chairman):  
**HB 517**, introduced bill, be amended as follows:

2/17/2005

1. Title, line 10.  
**Strike:** "16-1-404 AND 16-401"

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**Insert:** "16-1-401, 16-1-404, AND 16-1-501"

2. Page 2, line 1 through line 5.

**Strike:** subsections (b) through (e) in their entirety

**Insert:** "(b) provide, with or without charge, not more than two ounces of liquor that it produces at the distillery to consumer for consumption on the premises between 10 a.m. and 8 p.m.; or"

**Renumber:** subsequent subsection

3. Page 2, line 8 through line 9.

**Following:** "[section 1]" on line 8

**Strike:** "and" on line 8 through "less of liquor" on line 9

4. Page 2, line 10.

**Strike:** "licensed distributors"

**Insert:** "the department"

5. Page 2, line 11.

**Strike:** "distributes"

**Insert:** "produces"

6. Page 2, line 13.

**Strike:** "in the state, names and addresses of consignees,"

**Insert:** "to the department"

7. Page 6, following line 19.

**Insert:** "Section 5. Section 16-4-501, MCA, is amended to read:

**"16-4-501. License and permit fees.** (1) Each beer licensee licensed to sell either beer or table wine only, or both beer and table wine, under the provisions of this code, shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, \$500;

(ii) for each storage depot, \$400;

(b) (i) each beer wholesaler, \$400; each domestic winery producing more than 25,000 gallons of wine, \$400; each domestic winery producing 25,000 gallons or less of wine, \$200; each table wine distributor, \$400;

(ii) for each subwarehouse, \$400;

(c) each beer retailer, \$200;

(d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license;

(ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, \$200;

(e) any unit of a nationally chartered veterans' organization, \$50.

(2) The permit fee under 16-4-301(1) is computed at the following rate:

(a) \$10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and

(b) \$1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).

(3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee in the sum of \$300.

(5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license pursuant to 16-4-105, is \$200.

(6) The annual renewal fee for:

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- (a) a brewer producing 20,000 or fewer barrels of beer, as defined in 16-1-406, is \$200; and
- (b) resort retail all-beverages licenses within a given resort area is \$2,000 for each license.
- (7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:
- (a) except as provided in this section, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;
- (b) except as provided in this section, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;
- (c) except as provided in this section, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;
- (d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;
- (e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.
- (f) an applicant for the issuance of an original license to be located in areas described in subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. All licenses, however, are subject to the specified annual renewal fees.
- (8) The fee for one all-beverages license to a public airport is \$800. This license is nontransferable.
- (9) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is \$250.
- (10) The annual fee for a distillery is \$600.
- ~~(10)~~(11) The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.
- ~~(11)~~(12) In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.
- ~~(12)~~(13) All license and permit fees collected under this section must be deposited as provided in 16-2-108. ""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 557**, do pass. Report adopted.

**HB 559**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "ALLOWING"

**Strike:** "A"

**Insert:** "AN IRREVOCABLE"

2. Page 1, line 30.

**Following:** "or"

**Insert:** "irrevocable"

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And, as amended, do pass. Report adopted.

**HB 563**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Following:** "drugs"

**Insert:** ", supplies, and educational materials"

2. Page 2, line 8.

**Strike:** "\$10,000"

**Insert:** "\$2,000"

And, as amended, do pass. Report adopted.

**HB 567**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "OFFENSE"

**Insert:** "ASSAULT"

2. Page 1, line 11.

**Strike:** "offense"

**Insert:** "assault"

3. Page 1, line 14.

**Strike:** "offense"

**Insert:** "assault"

4. Page 1, line 16.

**Strike:** "offense"

**Insert:** "assault"

5. Page 1, line 18.

**Strike:** "offense"

**Insert:** "assault"

6. Page 1, line 25.

**Strike:** "offense"

**Insert:** "assault"

7. Page 1, line 28.

**Strike:** "offense"

**Insert:** "assault"

8. Page 1, line 29.

**Strike:** "offense"

**Insert:** "assault"

9. Page 1, line 30.

**Strike:** "offense"

**Insert:** "assault"

10. Page 2, line 2.

**Strike:** "offense"

**Insert:** "assault"

11. Page 2, line 11.

**Strike:** "offense"

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**Insert:** "assault"

**Strike:** "has the meaning provided in 46-23-502"

**Insert:** "means sexual assault as described in 45-5-502, sexual intercourse without consent as described in 45-5-503, incest as described in 45-5-507, or sexual abuse of children as described in 45-5-625"

And, as amended, do pass. Report adopted.

**HJR 19**, be adopted. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):  
**HB 438**, introduced bill, be amended as follows:

2/17/2005

1. Title, page 1, lines 5 through 10.

**Following:** "INSTRUCTION;" on line 5

**Strike:** remainder of line 5 through "PROGRAM;" on line 8

**Insert:** "REQUIRING THE BOARD OF PUBLIC EDUCATION TO ADOPT STANDARDS FOR PERSONNEL WHO PROVIDE BRAILLE INSTRUCTION;"

**Following:** "DISTRICT TO"

**Strike:** remainder of line 8 through "ONSITE" on line 10

**Insert:** "ENSURE THE AVAILABILITY OF TEXTBOOKS THAT COMPLY WITH FEDERAL LAW IN A TIMELY MANNER"

**Strike:** "OFFICE OF PUBLIC INSTRUCTION" on line 10

**Insert:** "MONTANA SCHOOL FOR THE DEAF AND BLIND"

2. Title, page 1, line 11.

**Following:** "PROGRAM;"

**Insert:** "PROVIDING AN APPROPRIATION;"

3. Page 2, line 21.

**Strike:** "20/200"

**Insert:** "20/70"

4. Page 2, line 23.

**Following:** "deterioration"

**Insert:** "that would qualify the child as having a visual acuity as described in subsection (1)(a)"

New amendment:

Page 3, line 2

Strike: "(1)"

5. Page 2, lines 28 through 30.

**Strike:** subsections (4) and (5) in their entirety

New amendment:

Page 3, line 12

Strike: "(1)"

6. Page 3, line 3 through line 10.

**Following:** "must" on line 3

**Strike:** remainder of line 3 through "instruction." on line 10

**Insert:** "be provided in accordance with the requirements of the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq."

7. Page 3, line 13 through line 29.

**Following:** "be" on line 13

**Strike:** remainder of line 13 through "impaired." on line 29

**Insert:** "provided in accordance with the requirements of the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq."

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8. Page 4, lines 2 through 10.

**Following:** "**program.**" on line 2

**Strike:** remainder of line 2 through "(3)" on line 10

**Following:** "The" on line 10

**Strike:** "office of public instruction"

**Insert:** "Montana school for the deaf and blind"

9. Page 4, line 12.

**Following:** "program."

**Insert:** "The equipment must be loaned on a temporary basis to a school district, but the district is responsible for purchasing like equipment required by the student's individualized education program."

10. Page 4, lines 14 through 17.

**Following:** "**training.**" on line 14

**Strike:** remainder of line 14 through "program." on line 17

**Insert:** "The board of public education shall establish standards to ensure that individuals who provide Braille instruction are appropriately trained and supervised."

11. Page 4, line 25 through page 5, line 1.

**Following:** "shall" on line 25

**Strike:** remainder of line 25 through "readers." on page 5, line 1

**Insert:** "ensure that the materials are made available to each blind and visually impaired child in a timely manner in accordance with the requirements of the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq."

12. Page 4, line 2.

**Following:** line 1

**Insert:** "**NEW SECTION. Section 8. Appropriation.** The following money is appropriated from the general fund to the Montana school for the deaf and blind to establish a Braille equipment loan program and to provide for expansion of the outreach program to assist public school districts in conforming with the requirements of the Blind Persons' Literacy Rights and Education Act:

Fiscal year 2006	\$244,273
Fiscal year 2007	\$195,731"

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 574**, do pass. Report adopted.

**HB 623**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/17/2005

**HB 520**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "WHILE" on line 5 through "LAWS" on line 7

**Insert:** "TO A HEALTH CARE PROVIDER OR LAW ENFORCEMENT PERSONNEL REGARDING AN ALLEGED OFFENSE AGAINST THAT PERSON UNDER THE CRIMINAL LAWS RELATING TO SEXUAL OFFENSES AGAINST A PERSON MAY NOT BE USED IN A PROSECUTION OF THAT PERSON FOR THE OFFENSE OF BEING A MINOR IN POSSESSION OF AN INTOXICATING SUBSTANCE; PROVIDING THAT THE SAME PROTECTION EXTENDS TO A PERSON WHO HELPS THE VICTIM OBTAIN MEDICAL OR OTHER ASSISTANCE OR REPORT THE OFFENSE TO LAW ENFORCEMENT PERSONNEL"

2. Page 4, line 28 through page 5, line 2.

**Strike:** subsection (10) in its entirety

**Insert:** "(10) Information provided or statements made by a person under 21 years of age to a health care provider

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or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel."

And, as amended, do pass. Report adopted.

**HB 695**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Strike:** "appropriated"

**Insert:** "used"

And, as amended, do pass. Report adopted.

**HB 701**, do pass. Report adopted.

**HR 2**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

2/17/2005

**HB 564**, do pass. Report adopted.

**MOTIONS**

Dem. Floor Leader Parker moved that HB 60 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Morgan moved that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading.

Rep. Bergren moved to table the motion. Motion failed as followed:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Returning to Rep. Morgan's motion that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading, Speaker Matthews stated this requires a 3/5 vote. Motion failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren,

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Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman.  
Total 48

Excused: None.  
Total 0

Absent or not voting: 0  
Total 2

Rep. Clark moved that HB 455 be withdrawn from the Natural Resources Committee and placed on 2nd Reading.

Rep. Waitschies moved to call for the previous question. Speaker Matthews stated that Rep. Clark's motion requires a 3/5 vote. Motion failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved HB 482 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Gallik moved to withdraw HB 589 from the Business and Labor Committee and place it in the House Appropriations Committee. Speaker Matthews stated this requires a 3/5 vote. Motion failed as follows:

Ayes: Becker, Bergren, Bixby, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noonan, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 38

Noes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Everett, Furey, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley,



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Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 62

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**UNFINISHED BUSINESS**

Rep. Koopman requested the following sponsor be added to HB 594: Rep. Maedje.

Rep. Lange requested the following sponsors be added to HB 728: Rep. Balyeat and Rep. Furey.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Friday, February 18, 2005. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FORTIETH LEGISLATIVE DAY

Helena, Montana  
February 18, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Jent. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Musgrove, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth legislative days, find the same to be correct.

Barrett, Chair

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/18/2005  
Correctly printed: **HB 557, HB 564, HB 574, HB 623, HB 631, HB 659, HB 687, HB 701, HJR 19, HR 2.**  
Correctly engrossed: **HB 222, HB 245, HB 410, HB 428, HB 429, HB 438, HB 442, HB 517, HB 520, HB 535, HB 559, HB 563, HB 567, HB 606, HB 612, HB 695, HJR 9, HJR 18.**  
Correctly enrolled: **HB 38.**  
Examined by the sponsor and found to be correct: **HB 38.**  
Signed by the Chief Clerk of the House at 1:40 p.m., February 18, 2005: **HB 38.**  
Signed by the Speaker at 1:45 p.m., February 18, 2005: **HB 38.**  
Signed by the President at 2:17 p.m., February 18, 2005: **HB 38.**  
Delivered to the Governor for approval at 2:45 p.m., February 18, 2005: **HB 38.**

**HUMAN SERVICES** (Becker, Chairman): 2/18/2005  
**HB 420**, introduced bill, be amended as follows:

1. Title, line 7.  
**Following:** "DENIAL"  
**Insert:** "AS ALLOWED BY CONFIDENTIALITY LAWS"
2. Page 3, line 4.  
**Following:** "member"  
**Strike:** "and"  
**Insert:** ", the department shall investigate and determine if awarding custody to the family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If"  
**Following:** "court"  
**Insert:** "accepts the department's custody recommendation, the court"
3. Page 3, line 5.  
**Strike:** "denies the request, the court order must state"  
**Insert:** "must inform any denied family member of"  
**Following:** "denial"  
**Insert:** "to the extent that confidentiality laws allow. The court shall include the reasons for denial in the court order if the family member who is denied temporary legal custody requests it to be included"
4. Page 4, line 8.  
**Following:** "denial"  
**Insert:** "to the extent that confidentiality laws allow"
5. Page 5, line 10.

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**Following:** "permanent"

**Strike:** "and the court denies the request, the court order must state"

**Insert:** ", the department shall investigate and determine if awarding custody to that family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If the court accepts the department's custody recommendation, the court must inform any denied family member of"

**Following:** "denial"

**Insert:** "to the extent that confidentiality laws allow. The court shall include the reasons for denial in the court order if the family member who is denied custody requests it to be included"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/18/2005

**HB 222**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "CIVIL"

**Insert:** "NONECONOMIC LOSS"

2. Page 1, line 10.

**Strike:** "civil"

**Insert:** "noneconomic loss"

3. Page 1, line 11.

**Following:** "A hospital"

**Insert:** "or critical access hospital, as defined in 50-5-101"

**Following:** "a hospital"

**Strike:** ", a physician, or a dentist"

**Insert:** "or critical access hospital, or a physician or dentist licensed under Title 37"

4. Page 1, line 12.

**Strike:** "\$50,000"

**Insert:** "\$100,000"

**Strike:** "civil"

**Insert:** "noneconomic loss"

5. Page 1, line 13.

**Following:** "faith at"

**Strike:** "the"

**Insert:** "a"

**Following:** "hospital"

**Insert:** "or critical access hospital"

6. Page 1, line 14.

**Following:** "hospital"

**Insert:** "or critical access hospital"

**Strike:** "room"

**Insert:** "department"

7. Page 1, line 21.

**Strike:** "\$50,000"

**Insert:** "\$100,000"

**Strike:** "civil"

**Insert:** "noneconomic loss"

8. Page 1, line 23.

**Strike:** "standardized criteria for triage in the field of trauma care"

**Insert:** "national trauma registry system of the American college of surgeons"

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And, as amended, without recommendation. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/18/2005

**SB 199**, introduced by Toole  
**SB 279**, introduced by Moss  
**SB 290**, introduced by Mangan  
**SB 295**, introduced by Gebhardt  
**SB 308**, introduced by O'Neil  
**SB 318**, introduced by Laible  
**SB 320**, introduced by Bales  
**SB 355**, introduced by Shockley  
**SB 365**, introduced by Ellingson  
**SB 368**, introduced by Cocchiarella  
**SB 369**, introduced by Cocchiarella

**Senate joint resolution** passed and transmitted to the House for concurrence: 2/18/2005

**SJR 11**, introduced by Laible

**House bill** concurred in and returned to the House: 2/18/2005

**HB 38**, introduced by McNutt

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 755**, introduced by Windham, referred to Judiciary.  
**HB 756**, introduced by Gutsche, Bergren, Wanzenried, Witt, Lindeen, Noonan, Ward, Lake, Peterson, referred to Taxation.  
**HB 757**, introduced by L. Jones, Black, Tester, Bergren, Peterson, Butcher, Kitzenberg, Witt, Bales, referred to Transportation.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will recess until 1:00 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 291** - Representative Small-Eastman moved **HB 291** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 393** - Representative Mendenhall moved **HB 393** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Cohenour, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Mr. Speaker.

Total 56

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Maedje, Noonan, Parker, Sesso, Villa, Wanzenried, Wilson, Wiseman, Witt.

Total 44

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 490** - Representative Stoker moved **HB 490** do pass. Motion **failed** as follows:

Ayes: Barrett, Bergren, Bixby, R. Brown, Butcher, Clark, Dowell, Everett, Franklin, Gallik, Glaser, Golie, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Juneau, Kaufmann, Koopman, Lake, Lange, MacLaren, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Parker, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Mr. Speaker.

Total 48

Noes: Andersen, Arntzen, Balyeat, Becker, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Grinde, Groesbeck, Hamilton, Harris, Hiner, Jacobson, Jayne, Jent, Jopek, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Taylor, Villa, Windham, Windy Boy, Wiseman, Witt.

Total 52

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 222** - Representative Roberts moved **HB 222** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 48

Voted Absentee: Musgrove, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 659** - Representative Sinrud moved **HB 659** do pass.

**HB 659** - Representative Sinrud moved **HB 659**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Voted Absentee: Musgrove, No.

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HB 659** - Representative Sinrud moved **HB 659**, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells,

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Witt, Mr. Speaker.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 51

Voted Absentee: Musgrove, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Raser moved the Committee of the Whole report be adopted.

Representative Parker made a **substitute motion** that **HB 291** and **HB 490** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.  
Total 56

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

Chairman Raser's motion that the Committee of the Whole report be adopted passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, R. Brown, Caferro, Clark, Dickenson, Driscoll, Everett, Furey, Glaser, Grinde, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sesso, Sinrud, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dowell, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Klock, Koopman, Lindeen, McAlpin, Parker, Raser, Rice, Sales, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Wells, Wilson.  
Total 39

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Excused: Musgrove.  
Total 1

Absent or not voting: Balyeat.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 63** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Grinde, Jackson, Koopman, Stahl.  
Total 4

Excused: Musgrove.  
Total 1

Absent or not voting: Gallik.  
Total 1

**HB 290 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

**HB 363** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,



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Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Barrett, Everett, Jayne, Juneau, Rice, Ripley, Sales.

Total 8

Excused: Musgrove.

Total 1

Absent or not voting: None.

Total 0

**HB 431** passed as follows:

Ayes: Arntzen, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Juneau, Kaufmann, Keane, Lange, Lenhart, MacLaren, Maedje, Milburn, Morgan, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Furey, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 38

Excused: Musgrove.

Total 1

Absent or not voting: Bixby, Lindeen.

Total 2

**HB 439** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: D. Brown, R. Brown, Glaser, Hawk, Jackson, Maedje, Malcolm, McKenney, Mendenhall, B. Olson, Wells.

Total 11

Excused: Musgrove.

Total 1

Absent or not voting: None.

Total 0

**HB 562** passed as follows:

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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, R. Brown, Everett, Jayne, Koopman, MacLaren, Sales.  
Total 7

Excused: Musgrove.  
Total 1

Absent or not voting: Hendrick.  
Total 1

**HJR 6** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: D. Brown, R. Brown, Butcher, Hawk, Jackson, W. Jones, Koopman, Morgan, Sales, Sinrud, Sonju.  
Total 11

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Butcher, Chairman):  
**HB 399**, introduced bill, be amended as follows:

2/18/2005

1. Title, page 1, line 8.  
**Following:** "HEARINGS"  
**Strike:** ", "  
**Insert:** "AND"

2. Title, page 1, line 8 through line 9.  
**Strike:** ", AND PROOF" on line 8 through "APPLICANT" on line 9

3. Title, page 1, line 9.  
**Following:** ", "  
**Insert:** "AMENDING SECTIONS 85-3-101, 85-3-201, 85-3-204, 85-3-210, 85-3-211, 85-3-213, 85-3-214, 85-3-301, AND 85-3-302, MCA; "

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4. Title, page 1, line 10.

**Strike:** "85-3-211,"

5. Page 2.

**Following:** line 9

**Insert:** "(3) A person may not engage in activities for weather modification and control until the department receives proof of financial responsibility as provided in 85-3-211."

6. Page 2, line 15.

**Following:** "period"

**Insert:** "and upon proof that a liability insurance policy has been obtained pursuant to 85-3-211"

7. Page 2, line 27.

**Insert:** "Section 6. Section 85-3-211, MCA, is amended to read:

**"85-3-211. Proof of financial responsibility by applicant.** Proof of financial responsibility ~~may~~ must be furnished by an applicant by showing, to the satisfaction of the department, ~~the applicant's ability to respond in damages for liability that might reasonably be attached to or result from the applicant's weather modification and control activities~~ that the applicant has obtained a liability insurance policy of at least \$100,000."

**Renumber:** subsequent sections

8. Page 3, line 27.

**Strike:** "85-3-211,"

And, as amended, do pass. Report adopted.

**HB 406**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** "prohibited"

**Insert:** " -- exemption"

**Following:** "shippers of"

**Insert:** "whole"

2. Page 2, line 1.

**Following:** "package of"

**Insert:** "whole"

3. Page 2, line 4.

**Strike:** "Grains"

**Insert:** "Whole grains"

**Following:** "honey,"

**Insert:** "muscle cuts and ground "

4. Page 2.

**Following:** line 11

**Insert:** "(5) A placard is not required for prepared foods for immediate sale or ready to eat."

5. Page 2, line 13.

**Following:** "vending of"

**Insert:** "whole"

6. Page 2, line 14.

**Following:** "honey,"

**Insert:** "muscle cuts and ground"

7. Page 2, line 21.

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**Following:** "vending of"  
**Insert:** "whole"

8. Page 2, line 22.  
**Following:** "marks from"  
**Insert:** "whole"

And, as amended, do pass. Report adopted.

**HB 440**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Following:** "TANK;"  
**Insert:** "PROVIDING THAT A VIOLATION FOR NOT INSTALLING A TANK LOCK MUST BE CONSIDERED A MINOR OFFENSE FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR AN ANHYDROUS AMMONIA TANK LOCK PROGRAM; PROVIDING AN APPROPRIATION;"

2. Title, page 1, line 7.  
**Strike:** "IMMEDIATE"  
**Following:** "DATE"  
**Insert:** "AND A TERMINATION DATE"

3. Page 1.  
**Following:** line 25  
**Insert:** "(4) (a) Subject to subsection (4)(b), for purposes of 80-10-303, a violation of the requirement for having a lock on an anhydrous ammonia tank must be considered a minor violation.  
(b) If the department is not appropriated enough funds to purchase tank locks for all of the tanks owned by retail vendors in Montana, the department shall disburse the locks in a fair and equitable manner and keep a record of those who received locks and those who did not. Those that did not receive a lock may not be found in violation for the purposes of 80-10-303."  
**Insert:** "NEW SECTION. Section 2. Anhydrous ammonia tank lock program -- purpose. (1) The purpose of the anhydrous ammonia tank lock program is to distribute high quality tank locks to retail vendors of anhydrous ammonia to prevent theft of anhydrous ammonia for the purpose of making methamphetamine.  
(2) The department shall purchase and distribute anhydrous ammonia tank locks to retail vendors of anhydrous ammonia in Montana. The department shall ensure 100% distribution and shall encourage 100% use by June 30, 2007.  
(3) Whenever possible, the Montana state university cooperative extension service is encouraged to promote the use of anhydrous ammonia tank locks by agriculture producers and retail vendors of anhydrous ammonia."  
**Insert:** "NEW SECTION. Section 3. Appropriation. There is appropriated \$80,000 for the biennium ending June 30, 2007, from the general fund to the department of agriculture to fund the purchase and distribution of anhydrous ammonia locks."  
**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 80, chapter 10, part 5, and the provisions of Title 80, chapter 10, part 5, apply to [section 2]."  
**Renumber:** subsequent section

4. Page 1, line 27.  
**Strike:** "on passage and approval"  
**Insert:** "July 1, 2005"

5. Page 1, line 28.  
**Insert:** "NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2007."

And, as amended, do pass. Report adopted.

**HB 484**, introduced bill, be amended as follows:

1. Page 4, line 17.  
**Following:** "(8)"

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**Insert:** "(a)"

2. Page 4.

**Following:** line 20

**Insert:** "(b) The term does not mean a person engaged in custom slaughtering as provided in 81-9-218(2)."

And, as amended, do pass. Report adopted.

**HB 674**, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

**Strike:** "ESTABLISHING" on line 5 through "MONTANA;" on line 7

2. Title, line 9.

**Following:** "GASOLINE;"

**Insert:** " PROVIDING A TAX CREDIT INCENTIVE TO REFINERIES FOR CONVERSION OF TERMINAL FACILITIES TO ALLOW FOR BLENDING GASOLINE WITH ETHANOL; AND"

3. Title, line 11 through line 12.

**Strike:** "; AND" on line 11 through "82-15-110, MCA" on line 12

4. Page 1, line 20.

**Following:** "rating."

**Insert:** "(1)"

**Following:** "gasoline"

**Insert:** "and labeled as an ethanol product"

**Strike:** ":"

**Insert:** ", "

5. Page 1, line 21.

**Strike:** "(1)"

**Following:** "than"

**Insert:** ": (a)"

**Following:** "ethanol"

**Strike:** ":"

**Insert:** "for gasoline with an antiknock index number of less than 87; and

(b) 4.5 % anhydrous ethanol for gasoline with an antiknock index number of 87 or greater but less than 91."

6. Page 1, line 22.

**Strike:** "the"

**Insert:** "The"

**Following:** "not be"

**Strike:** "included"

**Insert:** "added to gasoline in Montana"

7. Page 1, line 25.

**Strike:** "; and"

**Insert:** ". "

8. Page 1, line 26.

**Strike:** subsection (3) in its entirety

9. Page 2, line 11.

**Following:** "tank"

**Insert:** "or terminal facility"

**Following:** "conversion."

**Insert:** "(1)"

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10. Page 1.

**Following:** line 14

**Insert:** "(2) A gasoline refiner that builds, updates, or retrofits a terminal to allow blending of ethanol with gasoline is entitled to a one-time tax credit of \$2,500 per terminal for the year in which the facility is built, updated, or retrofitted. The credit may be claimed against the taxes imposed under chapter 31 or this chapter."

11. Page 2, line 16 through page 3, line 17.

**Strike:** section 5 through section 6 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 728**, do pass. Report adopted.

**HJR 7**, introduced joint resolution, be amended as follows:

1. Page 1, line 22.

**Strike:** "only 16,000"

**Insert:** "27,872 "

**Following:** "cattle"

**Insert:** ", out of a national herd of approximately 6 million adult animals, or 0.46% of the national herd,"

2. Page 1, line 23.

**Strike:** "170,000"

**Insert:** "199,166"

**Following:** "United States,"

**Insert:** "out of a national herd of approximately 80 million adult animals, or 0.24% of the national herd,"

3. Page 1, line 29.

**Following:** "into"

**Insert:** "nonruminant"

4. Page 2, line 7.

**Strike:** ", within the 60-day review period,"

5. Page 2, line 7 through line 8.

**Strike:** "extensive" on line 7 through "studies" on line 8

**Insert:** "safeguards"

**Strike:** "completed"

**Insert:** "established"

And, as amended, be adopted. Report adopted.

**HJR 11**, be adopted. Report adopted.

**HJR 22**, introduced joint resolution, be amended as follows:

1. Title, line 7.

**Strike:** "YELLOWSTONE NATIONAL PARK"

**Insert:** "GREATER YELLOWSTONE AREA"

**Following:** "HERDS"

**Insert:** ", AND IN THEIR ENVIRONMENT,"

2. Page 1, line 13.

**Strike:** "(Brucella abortus)"

**Insert:** ", and the causative organism Brucella abortus,"

3. Page 1, line 14.

**Strike:** "80"

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**Insert:** "87"

4. Page 1, line 15.

**Strike:** "in excess of"

**Insert:** "nearly"

**Following:** "bison"

**Insert:** ", well over the population target of 3,000 bison"

5. Page 1, line 16.

**Strike:** "1999-2000"

**Insert:** "2000"

6. Page 1, line 22 through line 23

**Strike:** "from" on line 22 through "Park" on line 23

**Insert:** "in the greater Yellowstone area"

7. Page 1, line 24.

**Following:** "brucellosis and"

**Insert:** "greater Yellowstone area"

8. Page 2, line 1.

**Strike:** "Yellowstone National Park"

**Insert:** "greater Yellowstone area"

**Following:** "herds"

**Insert:** ", and in their environment,"

9. Page 2, line 4.

**Following:** "vaccination"

**Insert:** "program"

10. Page 2, line 5.

**Following:** "bison"

**Strike:** "and elk herds"

**Insert:** "herd"

11. Page 2, line 13.

**Strike:** "Yellowstone National Park"

**Insert:** "greater Yellowstone area"

**Following:** "herds"

**Insert:** ", and in their environment,"

And, as amended, be adopted. Report adopted.

**HJR 29**, be adopted. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

**HB 228**, introduced bill, be amended as follows:

2/24/2005

1. Title, page 1, lines 5 and 6.

**Following:** "FOR" on line 5

**Strike:** remainder of line 5 through "MINUTES" on line 6

**Insert:** "A PAID 10-MINUTE REST PERIOD"

**Following:** "HOURS" on line 6

**Insert:** "AS PRACTICABLE"

2. Page 1, lines 14 and 15.

**Following:** "without" on line 14

**Strike:** the remainder of line 14 through "minutes" on line 15

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**Insert:** "a paid 10-minute rest period in the middle of each 4 hours of work or major fraction of a 4-hour work period, as practicable"

3. Page 1, line 23.

**Strike:** "and"

**Insert:** "working at each location or each place of employment"

4. Page 1, line 28.

**Following:** the first "to"

**Insert:** " :  
(a) "

5. Page 1, line 29.

**Following:** "151"

**Insert:** " ; or  
(b) law enforcement personnel"

And, as amended, do pass. Report adopted.

**HB 502**, do pass. Report adopted.

**HB 537**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "whether a"

**Insert:** "property and casualty insurance"

2. Page 1, line 30.

**Following:** "property"

**Insert:** "and casualty"

3. Page 1, line 30 through page 2, line 2.

**Strike:** "an" on page 1, line 30 through "insurer" on page 2, line 2

**Insert:** " : (A) a payment is made, a reserve is established, or loss adjustment expenses are incurred; and  
(B) a written, formal denial of the claim is issued to the insured or claimant"

4. Page 2.

**Following:** line 5

**Insert:** "(iii) An inquiry may not be considered a claim under 33-18-201."

5. Page 2.

**Following:** line 7

**Insert:** "(c) For the purposes of this subsection (5), the following definitions apply:

(i) "Claim" means a contact with an insurer by an insured or third party for the purpose of seeking payment.

(ii) "Inquiry" means a request for information regarding the terms, conditions, or coverages offered under a property and casualty insurance policy that does not result in a claim."

And, as amended, do pass. Report adopted.

**HB 589**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "REVISING" on line 4 through "AREA" AND" on line 5

2. Page 2, line 2.

**Following:** "choosing local"

**Insert:** "one-stop"



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3. Page 2, line 5 through line 6.

**Strike:** "free" on line 5 through "and" on line 6

4. Page 2, line 27.

**Strike:** "the"

**Insert:** "a"

5. Page 2, line 27 through line 28.

**Strike:** "concentrated" on line 27 through the first "investment" on line 28

6. Page 2, line 28.

**Strike:** "and the balance of state workforce investment area"

7. Page 5, line 15.

**Following:** "117"

**Insert:** "(f)"

8. Page 5, line 30.

**Strike:** "132"

**Insert:** "133"

9. Page 6, line 4.

**Following:** "funding"

**Insert:** "sources, excluding reauthorized prior programs,"

10. Page 6, line 5.

**Strike:** "federal government"

**Insert:** "U.S. department of labor"

11. Page 6, line 7.

**Following:** "boards"

**Insert:** "as described in an agreement with the state"

12. Page 6, line 8.

**Following:** "under"

**Insert:** "Title I of"

13. Page 6, line 8 through line 9.

**Strike:** "retained" on line 8 through "retained" on line 9

**Insert:** ", a minimum of 2% of the funds"

14. Page 7, line 18.

**Following:** "operators"

**Insert:** "and must be described in an agreement entered into between the state and each local board"

15. Page 8, line 19.

**Strike:** "In"

**Insert:** "Subject to an agreement between the state and each local board, in"

And, as amended, do pass. Report adopted.

**HB 661**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

2/18/2005

**HB 668**, do pass. Report adopted.

**HB 702**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/18/2005

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**HB 240**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "ADDING"

**Insert:** "AGE, ECONOMIC STATUS, CONDITION OF HOMELESSNESS, CONDITION OF PREGNANCY, INVOLVEMENT IN POLITICAL ACTIVITIES,"

2. Title, page 1, line 5.

**Following:** "ORIENTATION"

**Insert:** "REGARDING CONSENTING ADULT HUMANS, BUT NOT INCLUDING SEXUAL FETISHES,"

**Following:** "LAW;"

**Insert:** "PROVIDING AN EXCEPTION FOR CRIMINAL DEFAMATION;"

3. Page 1, line 12.

**Following:** "origin,"

**Insert:** "age, economic status, condition of homelessness, condition of pregnancy,"

**Following:** "orientation"

**Insert:** "regarding consenting adult humans, but not including sexual fetishes"

4. Page 1, line 13.

**Following:** "in"

**Insert:** "political,"

**Following:** "civil rights"

**Insert:** ", "

5. Page 1, line 14.

**Following:** "harassment"

**Insert:** "or criminal defamation"

6. Page 1, line 15.

**Following:** "origin,"

**Insert:** "age, economic status, condition of homelessness, condition of pregnancy,"

**Following:** "orientation"

**Insert:** "regarding consenting adult humans, but not including sexual fetishes"

7. Page 1, line 16.

**Following:** "in"

**Insert:** "political,"

**Following:** "civil rights"

**Insert:** ", "

And, as amended, do pass. Report adopted.

**HB 705**, do pass. Report adopted.

**HB 709**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "the application"

**Insert:** "a list"

2. Page 1, line 24.

**Strike:** "each"

**Insert:** "the"

And, as amended, do pass. Report adopted.

**HB 730**, introduced bill, be amended as follows:

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1. Page 2, line 4.

**Strike:** ", by clear and convincing evidence,"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/18/2005

**HB 342**, introduced bill, be amended as follows:

1. Title, line 4 and line 5.

**Following:** "ACT"

**Strike:** remainder of line 4 through "AND" on line 5

2. Title, line 6.

**Strike:** "SECTIONS 7-12-4110 AND"

**Insert:** "SECTION"

3. Page 1, line 11 through line 23.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 454**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "NONRESIDENT"

2. Page 1, line 10.

**Strike:** "nonresident"

**Following:** "owners"

**Insert:** "who reside in incorporated cities and towns within a county"

And, as amended, do pass. Report adopted.

**HB 474**, do pass. Report adopted.

**HB 507**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 538**, do pass. Report adopted.

**HB 636**, do pass. Report adopted.

**HB 743**, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

**Strike:** "AN EMPLOYMENT" on line 7 through "EXPENSES" on line 8

**Insert:** "CERTAIN CONTRACTS"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

2/18/2005

**HB 241**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "the"

**Insert:** "lieutenant"

2. Page 1, line 22.

**Following:** the first "The"

**Insert:** "lieutenant"

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3. Page 1, line 24.

**Following:** the second "The"

**Insert:** "lieutenant"

4. Page 1, line 25.

**Following:** the first "the"

**Insert:** "lieutenant"

5. Page 1, line 27.

**Following:** the second "The"

**Insert:** "lieutenant"

6. Page 1, line 29 through line 30.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsection

7. Page 2, line 2.

**Strike:** "executive director and other"

**Following:** "commission"

**Insert:** "and"

8. Page 2.

**Following:** line 3

**Insert:** "(a) review proposals to improve the efficiencies of executive branch operations and to recommend the prompt implementation of those proposals that do not require legislative approval;"

**Renumber:** subsequent subsections

9. Page 2.

**Following:** line 12

**Insert:** "(10) The governor's office of budget and program planning shall provide the staff resources necessary for the commission to perform its functions."

10. Page 2, line 14 through line 23.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

11. Page 2, line 26.

**Strike:** ", the executive director,"

**Strike:** "other"

**Strike:** "the"

12. Page 2, line 27.

**Strike:** "[sections 1 through 3]"

**Insert:** "[section 1] and this section"

And, as amended, do pass. Report adopted.

**HB 263**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Following:** "agency"

**Insert:** "and the public service commission with respect to the department of public service regulation"

2. Page 2, line 20.

**Following:** "Procedure"

**Insert:** "-- nonapplicability"

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3. Page 2, line 23.

**Following:** "not"

**Insert:** ": (a)"

4. Page 2, line 24.

**Following:** "informally"

**Insert:** "; or (b) apply to an act or action subject to a complaint resolution process provided for in law, contract, administrative rule, or written policy if the complaint resolution process is substantially similar to the process provided for in [sections 1 through 6]"

5. Page 3, line 6.

**Strike:** "90"

**Insert:** "45"

6. Page 3, line 7.

**Strike:** "90"

**Insert:** "45"

And, as amended, do pass. Report adopted.

**HB 590**, do pass. Report adopted.

**HB 601**, do pass. Report adopted.

**HB 640**, do pass. Report adopted.

**HB 653**, do pass. Report adopted.

**HB 712**, do pass. Report adopted.

**MOTIONS**

Dem. Floor Leader Parker moved that HB 393 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Morgan moved that her vote on the motion that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading on February 17, 2005, be changed from absent to aye. It will not change the outcome. Without objection, so ordered.

Rep. Maedje moved that his vote on the motion that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading on February 17, 2005, be changed from absent to aye. It will not change the outcome. Without objection, so ordered.

Rep. Bergren moved that HB 464 be withdrawn from the Agriculture Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Maedje, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: Musgrove.

Total 1

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Absent or not voting: None.  
Total 0

Rep. Gallik moved that HB 489 be withdrawn from the Agriculture Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Jayne moved that HB 561 be withdrawn from the Judiciary Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Noonan, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Butcher, Eaton, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Maedje moved that HB 599 be withdrawn from the Agriculture Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, Lindeen,

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Maedje, McAlpin, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: Musgrove.

Total 1

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 587. There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, February 19, 2005. Motion carried.

House adjourned at 3:37 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana  
February 19, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Glaser. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following Honorary Pages for the day: Quinn Collins, Helena; Sean Collins, Helena; and Patrick Lopach, Helena.

Speaker Matthews and the House thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/19/2005  
Correctly printed: **HB 228, HB 474, HB 502, HB 507, HB 538, HB 590, HB 601, HB 636, HB 640, HB 653, HB 661, HB 668, HB 702, HB 705, HB 712, HB 728, HJR 11, HJR 29.**  
Correctly engrossed: **HB 61, HB 240, HB 241, HB 263, HB 342, HB 387, HB 399, HB 406, HB 420, HB 435, HB 440, HB 454, HB 484, HB 537, HB 552, HB 555, HB 589, HB 674, HB 678, HB 685, HB 696, HB 709, HB 721, HB 726, HB 730, HB 743, HB 747, HJR 7, HJR 22.**  
Examined by the sponsor and found to be correct: **HB 447, HR 2.**  
Signed by the Chief Clerk of the House at 1:40 p.m., February 19, 2005: **HR 2.**  
Signed by the Speaker at 1:45 p.m., February 19, 2005: **HR 2.**  
Signed by the Chief Clerk of the House at 3:15 p.m., February 19, 2005: **HB 447.**  
Signed by the Speaker at 3:35 p.m., February 19, 2005: **HB 447.**

MESSAGES FROM THE SENATE

**House bill** concurred in and returned to the House: 2/19/2005

**HB 447**, introduced by Gallik

**Senate bills** passed and transmitted to the House for concurrence: 2/19/2005

**SB 168**, introduced by Mangan  
**SB 344**, introduced by Wheat  
**SB 375**, introduced by Wheat  
**SB 409**, introduced by Gallus  
**SB 88**, introduced by Squires

SECOND READING  
(COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 173** - Representative Heinert moved **HB 173** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk,



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Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Roberts.

Total 1

**HB 418** - Representative Keane moved **HB 418** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Bergren.

Total 1

Excused: None.

Total 0

Absent or not voting: Morgan.

Total 1

**HB 638** - Representative Arntzen moved **HB 638** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Gallik, Keane, McGillvray, Small-Eastman.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 647** - Representative Mendenhall moved **HB 647** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Glaser, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt.

Total 75

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Eaton, Furey, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Windy Boy.

Total 23

Excused: None.

Total 0

Absent or not voting: MacLaren, Mr. Speaker.

Total 2

**HJR 16** - Representative Groesbeck moved **HJR 16** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Heinert, Koopman, Morgan, Sales, Sinrud, Wells.

Total 6

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

Representative Parker moved consideration of **HB 438** be placed below **HJ 24** on the second reading board. Motion carried.

**HB 557** - Representative Butcher moved **HB 557** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**HB 612** - Representative Maedje moved **HB 612** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 623** - Representative MacLaren moved **HB 623** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

Representative Parker moved consideration of **HB 615** be placed at the bottom of the second reading board. Motion carried.

Representative Parker moved consideration of **HB 151** be passed for the day. Motion carried.

**HB 631** - Representative Stahl moved **HB 631** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: W. Jones.  
Total 1

**HR 2** - Representative Sonju moved **HR 2** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bixby.  
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

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Excused: None.  
Total 0

Absent or not voting: Hendrick, McKenney, Peterson, Sales.  
Total 4

**REPORTS OF STANDING COMMITTEES**

**TRANSPORTATION** (Mendenhall, Chairman):

2/19/2005

**HB 630**, do pass. Report adopted.

**HB 645**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 678**, introduced bill, be amended as follows:

1. Page 3, line 7.

**Strike:** "100"

**Insert:** "110"

2. Page 6, line 5.

**Strike:** "100"

**Insert:** "110"

And, as amended, do pass. Report adopted.

**HB 683**, do pass. Report adopted.

**HB 688**, do pass. Report adopted.

**HB 746**, do pass. Report adopted.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will recess until 9:15 a.m.

Rep. Stahl rose and stated "We have a young man with us today who has some very deep Montana roots. Some of those roots are in Helena, but they reach all the way up to my part of Phillips County. Patrick Lopach, who is an Honorary Page today. Patrick is 13 years old and attends C.R. Anderson Middle School. Patrick brought something with him today that I'm going to take a few minutes to tell you about.

Patrick's great, great, great, grandfather was Judge Cornelius Hedges. He was born in Massachusetts and received degrees from Yale and Harvard. He moved to Iowa, where he practiced law. He decided to move West and walked from Iowa to Montana in 1864. He walked to improve his health. He settled on Last Chance Gulch.

There's a lot I could say about Cornelius. Cornelius was our state's first Superintendent of Public Instruction. Some call him the "Father of Montana Education." An elementary school in Kalispell is named for him, as is a dorm at MSU, and as are mountain peaks in Yellowstone Park and just North of Helena in the Big Belts.

Cornelius later became a Montana judge and was also a member of the 1870 Washburn Expedition to the area that would become Yellowstone. Judge Hedges is said to have suggested that Yellowstone should become a National Park. It became our nation's first.

Judge Cornelius Hedges, a Republican, was the 1st Senate Minority Leader in our 2nd Legislative Session in 1889. In the 1st Session, they apparently felt they didn't need one.

One of Judge Hedges's sons was Henry. He left Helena for Northeastern Montana and ranched near Saco next to where my family's farm is now.

Another son, Willys, followed his father Cornelius into politics. He served in the House of Representatives, and he was Speaker in the 1905 Session, 100 years ago.

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Patrick is the proud owner of a very beautiful memento from that 1905 Session. Times must have been a little better one hundred years ago. At the end of the 1905 Session, Speaker Willys Hedges was presented with a lovely gold watch to honor his service. Patrick brought the watch with him today. The watch will be under the care of our Chief Clerk for the day.

Patrick, you should be proud of your family's Montana heritage. And we all should be proud of our heritage as Montanans. We should feel challenged every day to live up to that heritage.

Thanks for joining us today, Patrick, and thanks for letting us see your beautiful heirloom."

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 2/19/2005

**HB 141**, do pass. Report adopted.

**HB 642**, introduced bill, be amended as follows:

1. Title, line 10 through line 13.

**Strike:** "REQUIRING" on line 10 through "SUPPLIER;"

2. Page 4.

**Following:** line 23

**Insert:** "(17) "Generation facilities" means any combination of a generator or generators and other associated machinery and equipment that are normally operated to produce electricity, including associated transmission facilities necessary to interconnect with the transmission grid."

**Renumber:** subsequent subsections

3. Page 4, line 29 through line 30.

**Strike:** "established" on line 29 through "territory" on line 30

**Insert:** "that is:

(a) established and regulated by a local government unit with self-government powers that has acquired by ownership or lease an interest in a generation facility with at least 65 megawatts of capacity for the purpose of providing default supply service within its jurisdictional limits; and

(b) a member of a rural cooperative utility that:

(i) has received all governmental permits and authorizations necessary to legally commence construction of a generation facility, including resolution of all legal challenges to the permits, and that has prudently commenced the construction of the generation facility; or

(ii) owns or operates generation facilities with at least 65 megawatts of capacity in the state of Montana"

4. Page 5, line 24 through line 25.

**Strike:** subsection (28) in its entirety

**Renumber:** subsequent subsections

5. Page 8, line 8.

**Strike:** "Except" through "subject"

**Insert:** "Subject"

6. Page 9, line 9.

**Following:** "offered"

**Insert:** ", including customers that transition to default supply service from a local electricity supply entity"

7. Page 9, line 10.

**Strike:** "within the service territory"

8. Page 10, line 22.

**Strike:** "that" through "provider"

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9. Page 10, line 26.

**Strike:** "that" through "provider"

10. Page 10, line 30.

**Strike:** "that" through "provider"

11. Page 11, line 14 through line 19.

**Strike:** "(a)" on line 14 through "(b)" on line 19

12. Page 11, line 20.

**Strike:** "is"

**Insert:** "are"

13. Page 11, line 22.

**Following:** "customer"

**Insert:** ", along with any new charges established by the commission pursuant to 69-8-201(5)"

14. Page 11, line 23 through line 24.

**Strike:** subsection (c) in its entirety

15. Page 11, line 27.

**Strike:** "Beginning"

**Insert:** "Except as provided in [section 11], beginning"

16. Page 11, line 29.

**Strike:** "that" through "entity"

17. Page 16, line 6 through page 17, line 5.

**Strike:** section 11 in its entirety

**Insert:** "NEW SECTION. Section 11. Local electricity supply entity -- default supply service. (1) On or before July 1, 2007, a local electricity supply entity that has adopted a plan for the transition of and service to the default supply customers of a public utility of the local electrical supply entity may file with the commission a petition that demonstrates that the transition of the default supply customers of a public utility to the local electricity supply entity under this section will not subject either customers in transition or the other default supply customers of a public utility to higher or more unstable default supply service rates over a 10-year planning period than would otherwise result if those default supply customers had not been transferred to the local electricity supply entity.

(2) (a) Unless the local electricity supply entity and the public utility otherwise agree, a plan for transition and service adopted by the local electricity supply entity in accordance with subsection (1) must contain, at minimum, the terms provided in subsections (2)(b) and (2)(c).

(b) The transition of the public utility's default supply customers within the local electricity supply entity's jurisdictional area to the local electricity supply entity must occur in four equal blocks of customers spread equally over a period of 2 years. Once the plan for orderly transition has commenced, all default supply customers of the public utility within the jurisdictional limits of the local electricity supply entity must be transferred to the local electricity supply entity.

(c) A customer of the local electricity supply entity:

(i) that has an individual account with an average monthly load demand of less than 50 kilowatts in the previous calendar year is assigned to the local electricity supply entity as a default supply customer and must receive the customer's electricity supply from the local electricity supply entity; and

(ii) with an estimated average monthly load demand of 50 kilowatts or greater but with an individual average monthly load demand of less than 5,000 kilowatts in the previous calendar year for that individual load may receive the customer's electricity supply from the local electricity supply entity as a default supply customer.

(3) (a) If the local electricity supply entity's petition meets the requirements of subsection (1), the commission shall enter an order approving the petition. On the date that the commission issues the order approving the petition, the local electricity supply entity is the default supplier within its service territory, subject to the terms of the petition.

(b) If the petition does not meet the requirements of subsection (1), the commission shall enter an order

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that establishes the terms and conditions necessary for the local electricity supply entity to satisfy the requirements of subsection (1). On the date that the commission's order becomes final, the local electricity supply entity is the default supplier within its service territory subject to the terms of the order unless the local electricity supply entity elects, within 30 days from the time the commission issues the final order, to withdraw its petition.

(4) (a) An order of the commission under subsection (3) must be issued within 180 days of the petition, unless that period is extended by the commission for good cause for another 90 days.

(b) If the commission has not taken action on the petition at the end of the period specified in subsection (4)(a), the petition is considered approved as filed.

(5) A local electricity supply entity that has been designated as a default supplier pursuant to subsection (1) is exempt from the provisions of 69-8-419 through 69-8-421."

18. Page 17, line 7.

**Strike:** "(1)"

19. Page 17, line 10.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

20. Page 17, line 24 through line 26.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 685**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "SUPPLY"

**Insert:** "FROM A FINANCIALLY STABLE AND CREDITWORTHY ENTITY THAT SUPPLIES ELECTRICITY"

2. Title, line 8.

**Following:** "COST"

**Insert:** "FROM A FINANCIALLY STABLE AND CREDITWORTHY ENTITY THAT SUPPLIES ELECTRICITY"

3. Page 1, line 22.

**Following:** "cost"

**Insert:** "from a financially stable and creditworthy entity that supplies electricity"

4. Page 2, line 20.

**Following:** "cost"

**Insert:** "from a financially stable and creditworthy entity that supplies electricity"

5. Page 3, line 29.

**Following:** "cost"

**Insert:** "from a financially stable and creditworthy entity that supplies electricity"

And, as amended, do pass. Report adopted.

**HB 725**, do pass. Report adopted.

**HB 732**, do pass. Report adopted.

**HJR 21**, be adopted. Report adopted.

**HJR 28**, be adopted. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/19/2005

**HB 61**, introduced bill, be amended as follows:



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1. Title, page 1, line 6 through line 10.

**Strike:** "ASSUMES" on line 6

**Insert:** "ACKNOWLEDGES"

**Strike:** "IN" on line 6 through "OPPORTUNITY" on line 10

**Insert:** "; STATING THE DUTIES OF A PERSON WHO PROVIDES AND A PERSON WHO PARTICIPATES IN A SPORT OR RECREATIONAL OPPORTUNITY; STATING THE RESPONSIBILITY OF THE PROVIDER AND PARTICIPANT FOR INJURIES TO A PARTICIPANT"

2. Page 1.

**Following:** line 14

**Insert:** "WHEREAS, sports and recreational providers have an obligation to inform recreationists of the risks inherent in their particular sports and recreational activities; and"

3. Page 1, line 15.

**Following:** "should"

**Insert:** "knowingly"

4. Page 1, line 18.

**Strike:** "discouraging" through "from"

**Insert:** "ensuring the education of participants regarding the "

5. Page 1, line 19.

**Following:** "activity"

**Insert:** "and thus discouraging claims"

**Following:** ";

**Insert:** "and"

6. Page 1, line 21.

**Strike:** "controlling"

**Insert:** "eliminating"

**Strike:** "; and"

**Insert:** "."

7. Page 1.

**Strike:** line 22 through line 23

8. Page 1, line 27.

Page 2, lines 3, 10, and 30.

Page 3, lines 2, 22, and 24.

**Following:** "through"

**Strike:** "4"

**Insert:** "6"

9. Page 2, line 2.

**Following:** "recreation"

**Insert:** "through the education of participants "

10. Page 2, line 3.

**Strike:** "limit or eliminate the liability of"

**Insert:** "allow"

11. Page 2, line 4.

**Strike:** "to a sport or recreational participant"

**Insert:** "to assert as a defense inherent risk and the participant's willful or negligent acts or omissions"

12. Page 2, line 6 through line 8.

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**Strike:** subsection (4) in its entirety

**Insert:** "(4) The legislature finds and declares that the determinations of whether injury or damages are the result of the inherent risks of a sport or recreational opportunity and whether a participant's willful or negligent acts or omissions are the cause of injury or damages are questions of fact."

13. Page 2, line 19.

**Following:** "kayaking"

**Insert:** "target shooting,"

14. Page 2, line 22.

**"NEW SECTION. Section 3. Duties of provider of sport or recreational opportunity.** (1) A provider of a sport or recreational opportunity has an obligation to educate participants about the risks inherent in the sport or recreational opportunity, including inherent risks that:

(a) cannot be eliminated;

(b) cannot be altered or controlled; and

(c) can be altered or controlled but that the provider chooses not to alter or control because the alteration or control would eliminate an integral part of the sport or recreational opportunity.

(2) A provider is not required to eliminate, alter, or control an inherent risk in a provided sport or recreational opportunity.

(3) A provider has an obligation to:

(a) properly use and maintain products and equipment used in a provided sport or recreational opportunity;

(b) provide services in a manner that is consistent with industry standards for the sport or recreational opportunity; and

(c) inform a participant of any physical requirements necessary to participate in the sport or recreational opportunity."

**Insert:** "NEW SECTION. Section 4. Duties of participant in sport or recreational opportunity. A participant in a sport or recreational opportunity has an obligation to:

(1) review educational materials, if any, provided by a provider of the sport or recreational opportunity that relate to risks inherent in the sport or recreational opportunity;

(2) follow rules and directives of a provider of the sport or recreational opportunity designed to further safe participation and alleviate inherent risks; and

(3) inform a provider of a sport or recreational opportunity of any physical limitations of the participant that affect the participant's ability to meet physical requirements that the provider informed the participant are necessary for the sport or recreational opportunity."

**Renumber:** subsequent sections

15. Page 2, line 24.

**Strike:** "assumes"

**Insert:** "acknowledges"

16. Page 2, line 25.

**Strike:** ", whether" through "and is"

**Insert:** "and may be"

17. Page 2, line 26.

**Strike:** "or other persons"

**Following:** "damage to"

**Insert:** "the person's"

18. Page 2, line 28 through line 29.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) The determination of whether injury or damage resulted from an inherent risk of a sport or recreational opportunity is a question of fact. The determination of whether willful or negligent acts or omissions of a participant are the cause of injury or damage is a question of fact."

19. Page 2, line 30 through page 3, line 1.

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**Strike:** "if the" on page 2, line 30 through "opportunity" on page 3, line 1

20. Page 3, line 2.  
**Following:** "design"  
**Insert:** ", use,"

21. Page 3, line 7.  
**Strike:** "3"  
**Insert:** "6"

22. Page 3, line 30 through page 4, line 2.  
**Strike:** section 7 in its entirety  
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 721**, introduced bill, be amended as follows:

1. Page 2, line 14.  
**Strike:** "from the evidence"
2. Page 2, line 19.  
**Following:** "who"  
**Insert:** ", under the direction of the drug treatment court judge,"
3. Page 2, line 29.  
**Following:** "abuse"  
**Insert:** "treatment"
4. Page 5, line 2.  
**Following:** "court"  
**Insert:** "under the direction of the drug treatment court judge"
5. Page 6, line 16.  
**Strike:** "department of public health and human services"  
**Insert:** "office of the supreme court administrator"

And, as amended, do pass. Report adopted.

**HB 726**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Following:** "VIOLATORS;"  
**Insert:** "PROVIDING THAT A CONVICTED PERSON PAY A \$50 PRESENTENCE REPORT FEE TO FUND THE ALTERNATE SENTENCING OPTION;"
2. Title, page 1, line 7.  
**Following:** "SECTIONS"  
**Insert:** "46-18-111,"  
**Strike:** "AN"
3. Title, page 1, line 8.  
**Strike:** "DATE"  
**Insert:** "DATES"
4. Page 1, line 11.  
**Insert:** "**Section 1.** Section 46-18-111, MCA, is amended to read:  
"46-18-111. Presentence investigation -- when required. (1) Upon the acceptance of a plea or upon a

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verdict or finding of guilty to one or more felony offenses, the district court shall direct the probation officer to make a presentence investigation and report. The district court shall consider the presentence investigation report prior to sentencing. If the defendant was convicted of an offense under 45-5-502, 45-5-503, 45-5-504, 45-5-505, 45-5-507, 45-5-625, or 45-5-627, the investigation must include a psychosexual evaluation of the defendant and a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs, unless the defendant was sentenced under 46-18-219. The evaluation must be completed by a sex offender therapist who is a member of the Montana sex offender treatment association or has comparable credentials acceptable to the department of labor and industry. The psychosexual evaluation must be made available to the county attorney's office, the defense attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation are the responsibility of the district court and must be paid by the county or the state, or both, under Title 3, chapter 5, part 9.

(2) The court shall order a presentence report unless the court makes a finding that a report is unnecessary. Unless the court makes that finding, a defendant convicted of any offense not enumerated in subsection (1) that may result in incarceration for 1 year or more may not be sentenced before a written presentence investigation report by a probation and parole officer is presented to and considered by the district court. The district court may order a presentence investigation for a defendant convicted of a misdemeanor only if the defendant was convicted of a misdemeanor that the state originally charged as a sexual or violent offense as defined in 46-23-502.

(3) The defendant shall pay to the department of corrections a \$50 fee at the time that the report is completed, unless the court determines that the defendant is not able to pay the fee within a reasonable time. The fee may be retained by the department and used to finance contracts entered into under 53-1-203(4)."

**Renumber:** subsequent sections

5. Page 4, line 6.

**Following:** "program"

**Insert:** "provided for in 53-1-203"

6. Page 7, line 13.

**Following:** "46-18-201"

**Insert:** "and 46-18-225 and as a sanction option under 46-23-1015"

7. Page 8, line 1.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act] is"

**Insert:** "(1) [Section 1] and this section are"

8. Page 8, line 2.

**Insert:** "(2) [Sections 2 through 6 ] are effective July 1, 2006."

And, as amended, do pass. Report adopted.

**SELECT COMMITTEE ON EDUCATION** (Lindeen, Chairman):

2/19/2005

**HB 310**, introduced bill, be amended as follows:

1. Page 3, lines 3 and 4.

**Following:** "(p)" on line 3

**Strike:** remainder of line 3 through "factors," on line 4

**Following:** "definition" on line 4

**Insert:** "of a basic system of free quality public elementary and secondary schools"

**Following:** the third "the"

**Insert:** "identified"

2. Page 3, line 6.

**Strike:** "five"

**Insert:** "seven"

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3. Page 3, line 7.

**Following:** line 6

**Insert:** "(i) the governor or the governor's designee;

(ii) the superintendent of public instruction or the superintendent's designee;"

**Renumber:** subsequent subsections

4. Page 3, line 12.

**Following:** "years"

**Insert:** "following {the effective date of this act]"

And, as amended, do pass. Report adopted.

**HB 624**, do pass. Report adopted.

**SECOND READING  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 340** - Representative Wiseman moved **HB 340** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Wells, Witt.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved consideration of **HB 372** be placed below **HB 559** on the second reading board. Motion carried.

**HB 376** - Representative Harris moved **HB 376** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 65

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Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Waitschies, Wells, Witt.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 392** - Representative Hamilton moved **HB 392** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, W. Jones, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, Jent, L. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Wells, Witt, Mr. Speaker.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 429** - Representative Gutsche moved **HB 429** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, W. Jones, Keane, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 442** - Representative Maedje moved **HB 442** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley,

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Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 450** - Representative Jopek moved **HB 450** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Caferro, Jacobson.  
Total 2

**HB 492** - Representative Morgan moved **HB 492** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Buzzas, Callahan, Campbell, Clark, Dickenson, Groesbeck, Jopek, Sesso, Villa, Wanzenried, Windham.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 520** - Representative Furey moved **HB 520** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Balyeat, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, L. Jones, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Sales, Sinrud, Stoker, Wagman, Waitschies, Wells.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 521** - Representative Furey moved **HB 521** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.

Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Keane, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 549** - Representative Gallik moved **HB 549** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 556** - Representative Noonan moved **HB 556** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 559** - Representative Lake moved **HB 559** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 90

Noes: Caferro, Campbell, Cohenour, Hiner, Keane, Noonan, Sesso, Villa.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Wagman, Mr. Speaker.  
Total 2

**HB 372** - Representative Harris moved **HB 372** do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk,

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Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Lange moved consideration of **HB 564** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 567** - Representative Windham moved **HB 567** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, Maedje, McKenney, McNutt, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells, Witt.  
Total 33

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 574** - Representative Branae moved **HB 574** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Juneau, Koopman, Lambert, Lange, Maedje, Malcolm, McGillvray, Mendenhall, B. Olson, Rice, Ripley, Stahl, Stoker, Wagman, Waitschies, Witt.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 598** - Representative Gallik moved **HB 598** do pass. Motion carried as follows:

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Ayes: Balyeat, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Andersen, Arntzen, Barrett, Bixby, D. Brown, R. Brown, Butcher, Campbell, Everett, Hendrick, Himmelberger, Jayne, L. Jones, Jopek, Juneau, Koopman, Lake, Lange, MacLaren, Maedje, McKenney, Milburn, Morgan, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 75

Noes: Bergren, Caferro, Callahan, Gallik, Harris, Kaufmann, Koopman, Lindeen, Maedje, Mendenhall, Parker, Rice, Sales, Villa, Waitschies, Wells.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Campbell, Cohenour, Gutsche, Heinert, Himmelberger, Jackson, W. Jones, Lambert, McKenney.  
Total 9

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved the House will stand in recess until 1:30 p.m. Without objection, so ordered.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Becker, Chairman):  
**HB 387**, introduced bill, be amended as follows:

2/19/2005

1. Page 1, line 15.  
**Strike:** "40.5%"  
**Insert:** "35%"

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And, as amended, do pass. Report adopted.

**HB 395**, with the recommendation that it be referred to Appropriations Committee. Report adopted.  
**HB 552**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "CRITERIA"

**Insert:** "BELOW \$15,000"

2. Title, line 6 through line 9.

**Following:** "MEDICAID;" on line 6

**Strike:** remainder of line 6 through "MEDICAID; AND" on line 9

**Insert:** "PROVIDING AN APPROPRIATION;"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

3. Title, line 10.

**Strike:** "AND 53-6-131"

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

4. Page 2, line 12.

**Following:** "criteria"

**Insert:** "below \$15,000"

5. Page 2, line 13.

**Strike:** "18"

**Insert:** "19"

6. Page 2, line 28 through line 29.

**Strike:** subsection (10) in its entirety

7. Page 3, line 1 through page 5, line 13.

**Strike:** section 2 in its entirety

**Insert:** "NEW SECTION. Section 2. Appropriation. There is appropriated \$2.1 million from the health and medicaid initiatives state special revenue account in 53-6-1201 to the department of public health and human services for fiscal year 2007 for the purposes of 53-6-113."

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2006."

And, as amended, do pass. Report adopted.

**HB 555**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "STATE-FUNDED"

**Following:** "FAMILIES"

**Insert:** "OR"

2. Title, line 8.

**Strike:** "AN"

**Insert:** "A DELAYED"

3. Page 1, line 16.

**Strike:** "required by the"

**Insert:** "or"

4. Page 1, line 17.

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**Strike:** "program"  
**Insert:** "funds"  
**Strike:** "separate state-funded"

5. Page 1, line 23.  
**Strike:** "state-funded"

6. Page 2, line 5 through line 8.  
**Following:** "(3)" on line 5  
**Strike:** remainder of line 5 through "activity." on line 8  
**Strike:** "also" on line 8

7. Page 2, line 10.  
**Strike:** "state-funded"

8. Page 2, line 20.  
**Following:** "means"  
**Insert:** ":"  
          (a)"

9. Page 2, line 21.  
**Following:** "Montana"  
**Insert:** "in which an individual is"

10. Page 2, line 22.  
**Strike:** the first "in"  
**Following:** "degree"  
**Insert:** " ; "  
**Following:** the first "or"  
**Insert:** "(b)"

11. Page 5, line 18.  
**Strike:** "2005"  
**Insert:** "2006"

And, as amended, do pass. Report adopted.

**HB 696**, introduced bill, be amended as follows:

1. Title, line 6.  
**Strike:** "AND"  
**Insert:** "OR"

2. Page 1, line 25.  
**Strike:** "and"  
**Insert:** "or"

And, as amended, do pass. Report adopted.

**HB 704**, do pass. Report adopted.  
**HB 737**, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Golie in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 614** - Representative Harris moved **HB 614** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Andersen, Balyeat, R. Brown, Butcher, Everett, Hawk, Jackson, Jayne, Juneau, Koopman, Malcolm, Mendenhall, A. Olson, B. Olson, Sales, Sinrud, Wagman, Waitschies.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**HB 637** - Representative Arntzen moved **HB 637** do pass. Motion **failed** as follows:

Ayes: Arntzen, Becker, Buzzas, Cohenour, Dickenson, Golie, Gutsche, Hamilton, Harris, Heinert, Jackson, Malcolm, McGillvray, McKenney, Noennig, Parker, Roberts, Sales, Stoker, Taylor, Wilson, Witt.  
Total 22

Noes: Andersen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Excused: None.  
Total 0

Absent or not voting: Rice.  
Total 1

**HB 684** - Representative Maedje moved **HB 684** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Bixby, Campbell, Cohenour, Eaton, Gallik, Jayne, Jopek, Juneau, McAlpin, Wilson, Windy Boy.  
Total 11

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Excused: None.  
Total 0

Absent or not voting: Arntzen.  
Total 1

**HB 687** - Representative Mendenhall moved **HB 687** do pass. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Lake, Lindeen, McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Windham, Windy Boy, Wiseman.  
Total 54

Noes: Andersen, Arntzen, Barrett, Bixby, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Golie, Gutsche, Hawk, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Juneau, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Warden, Wells, Witt, Mr. Speaker.  
Total 45

Excused: None.  
Total 0

Absent or not voting: Wilson.  
Total 1

**HB 695** - Representative Jayne moved **HB 695** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**HB 701** - Representative Noennig moved **HB 701** do pass. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 69

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Everett, Heinert, Hendrick, Himmelberger, Jackson,

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Jayne, L. Jones, W. Jones, Lake, Lange, MacLaren, McGillvray, Milburn, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HJR 13** - Representative Clark moved **HJR 13** be adopted. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Andersen, Arntzen, Balyeat, Barrett, Malcolm, Mendenhall, A. Olson, Ripley, Ross, Taylor, Wagman, Witt.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 17** - Representative McAlpin moved **HJR 17** be adopted. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Mendenhall, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McKenney, McNutt, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 18** - Representative Himmelberger moved **HJR 18** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dowell, Driscoll, Eaton, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert,



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Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 73

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Facey, Franklin, Furey, Gallik, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Juneau, Kaufmann, Malcolm, Raser, Ross, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 19** - Representative Matthews moved **HJR 19** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Barrett, Butcher, Everett, Gallik, Hendrick, Jent, Koopman, Malcolm, Rice, Sales, Sinrud, Warden, Wells, Windham.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**HJR 24** - Representative Bergren moved **HJR 24** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Barrett, Wagman.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Ward.

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Total 1

**HB 438** - Representative Buzzas moved **HB 438** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Olson.

Total 1

**HB 615** - Representative Harris moved **HB 615** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 564** - Representative Witt moved **HB 564** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Barrett, Buzzas, Dickenson, Jopek, Koopman, Sales, Sinrud, Sonju, Wagman.

Total 9

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 537** - Representative Wanzenried moved **HB 537** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Stoker.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Warden.  
Total 1

**HB 590** - Representative Buzzas moved **HB 590** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Sales, Waitschies, Ward.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Jacobson, Wanzenried.  
Total 2

**HB 636** - Representative Stahl moved **HB 636** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 92

Noes: Groesbeck, Keane, Koopman, Malcolm, Morgan, Ripley, Sales, Sinrud.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 640** - Representative Jacobson moved **HB 640** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 709** - Representative Raser moved **HB 709** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 743** - Representative Harris moved **HB 743** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Everett, Sales.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Golie moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: Arntzen, Everett, Hamilton, Maedje, Rice, Sales, Sinrud, Ward, Wells, Witt.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Butcher, Himmelberger, Taylor.  
Total 3

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 222** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy,

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Wiseman.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Jopek.  
Total 1

**HB 245** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Branae, R. Brown, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, Bergren, Bixby, D. Brown, Buzzas, Callahan, Campbell, Driscoll, Franklin, Gallik, Groesbeck, Jayne, Juneau, Lindeen, Malcolm, Mendenhall, Musgrove, Noennig, Ripley, Sesso, Sonju, Ward, Wilson, Windy Boy.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Jopek, Small-Eastman.  
Total 2

**HB 587** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Sales, Sonju.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Jopek, Small-Eastman.  
Total 2

**REPORTS OF STANDING COMMITTEES**

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**EDUCATION** (Galvin-Halcro, Chairman):  
**HB 435**, introduced bill, be amended as follows:

2/20/2005

1. Title, page 1, line 10.

**Following:** "INSTITUTIONS"

**Insert:** "AND CERTAIN OUT-OF-STATE PUBLIC COLLEGES OR UNIVERSITIES OR, WITH DONATIONS FROM PRIVATE SOURCES, TO STUDENTS ATTENDING MONTANA PRIVATE COLLEGES"

2. Title, page 1, line 15.

**Following:** the first "STUDENT"

**Insert:** "OR IF A RECIPIENT BECOMES INELIGIBLE; PROVIDING THAT SCHOLARSHIP FUNDING IS A STATE OBLIGATION"

3. Page 1, line 25.

**Following:** "institutions"

**Insert:** "and Montana's private colleges"

4. Page 2, line 4.

**Following:** "program"

**Insert:** "-- duties of council"

5. Page 2, lines 8 and 9.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) The council shall review the lists and applications submitted in accordance with procedures adopted by the board pursuant to [section 5]. From those lists and applications, the council shall prepare and submit a final list of qualified scholarship recipients to the board. Following consultation with the council, the board shall pay for scholarships awarded to qualified recipients."

6. Page 2, line 13.

**Following:** line 12

**Insert:** "(4) Funds from public sources may not be used to pay for scholarships to students enrolled in Montana private colleges.

(5) Funds from private sources must be deposited into an account in the state special revenue fund established in 17-2-102 to be used by the board to pay for scholarships for students enrolled in Montana private colleges."

7. Page 2.

**Following:** line 15

**Insert:** "(1) "Accredited" means that a school complies with the standards for accreditation of schools established by the board of public education pursuant to 20-7-102."

**Renumber:** subsequent subsections

8. Page 2, lines 16 and 17.

**Following:** the first "a"

**Strike:** remainder of line 16 through "council" on line 17

**Insert:** "Montana resident who meets the admission requirements established by board policy or by the admission officer of a Montana private college"

9. Page 2, line 25.

**Insert:** "(6) "Montana private college" means a nonprofit private educational institution as defined in 15-30-163(3)(b).

(7) "Nontraditional student" means a first-time student who enters a postsecondary institution or Montana private college more than 3 years after high school graduation."

**Renumber:** subsequent subsections

10. Page 3, line 23.

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**Following:** "Montana"

**Strike:** "public"

**Insert:** "accredited"

**Following:** "schools"

**Insert:** ", including accredited nonpublic high schools,"

11. Page 3.

**Following:** line 24

**Insert:** "(b) when possible, procedures for obtaining lists of nontraditional students or recipients of general educational development equivalency diplomas in the current year;

(c) procedures for an application process and, upon recommendation of the council, eligibility criteria for at-large students, at least part of which must include a grade point average or a standardized college admission test;"

**Renumber:** subsequent subsections

12. Page 3, line 29.

**Following:** "institutions"

**Insert:** "and Montana private colleges"

13. Page 3, line 30.

**Strike:** ";

**Insert:** "."

14. Page 4, line 2.

**Following:** "institution"

**Insert:** "or the Montana private college"

15. Page 4, line 3.

**Following:** "institution"

**Insert:** "or the Montana private college"

16. Page 4, line 5.

**Following:** "institution"

**Insert:** "or Montana private college"

17. Page 4, line 6.

**Following:** "institution's"

**Insert:** "or Montana private college's"

18. Page 4, line 8.

**Following:** "procedures"

**Insert:** ":(a)"

19. Page 4, line 9.

**Following:** "another"

**Insert:** "or from a Montana private college to a postsecondary institution"

**Following:** "scholarship"

**Insert:** "; and

(b) to ensure compliance with [section 2(4)] if a student transfers from a postsecondary institution to a Montana private college"

20. Page 4, line 14.

**Following:** "institution"

**Insert:** "or, subject to the provisions of [section 2(4)], at a Montana private college"

21. Page 4, line 16.

**Strike:** "subsection (6)"



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**Insert:** "subsections (6) and (7) and the availability of funds from private sources"

22. Page 4, line 19.

**Following:** "institutions"

**Insert:** "or Montana private colleges"

23. Page 4, lines 20 and 21.

**Following:** "year" on line 20

**Insert:** ", which may be"

**Following:** "Montana's" on line 20

**Strike:** "180" through "public" on line 21

**Insert:** "accredited"

**Following:** "schools" on line 21

**Insert:** ", including accredited nonpublic high schools,"

**Following:** "institution" on line 21

**Insert:** "or a Montana private college"

24. Page 4, line 22.

**Following:** line 21

**Insert:** "(c) a merit-based scholarship of \$1,000 a year, which may be awarded to one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 2-year postsecondary institution;"

**Renumber:** subsequent subsections

25. Page 4, line 22.

**Strike:** "250"

**Insert:** "70"

26. Page 4, lines 24 and 25.

**Following:** "to" on line 24

**Strike:** remainder of line 24 through "enrolls" on line 25

**Insert:** "180 students, including students who return to school as nontraditional students, who enroll"

27. Page 4, lines 26 and 27.

**Following:** "100"

**Strike:** remainder of line 26 through "graduates" on line 27

**Insert:** "students, including students who return to school as nontraditional students,"

28. Page 4, lines 29 and 30.

**Following:** "220"

**Strike:** remainder of line 29 through "graduates" on line 30

**Insert:** "students, including students who return to school as nontraditional students,"

29. Page 5, line 5.

**Following:** "institution"

**Insert:** "or a Montana private college"

30. Page 5, line 9.

**Following:** "institution's"

**Insert:** "or Montana private college's"

31. Page 5, line 12.

**Following:** "institution's"

**Insert:** "or the Montana private college's"

32. Page 5, line 14.

**Strike:** "(2)(d)"

**Insert:** "(2)(c) or if a recipient of a scholarship becomes ineligible for renewal of a scholarship"

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33. Page 5, line 16.

**Following:** line 15

**Insert:** "(7) Except for funds donated from private sources, the obligation for funding the governor's best and brightest postsecondary scholarship program is an obligation of the state. This section may not be construed to require the board to provide a scholarship to an eligible student without a line item appropriation to the board."

34. Page 5, line 19.

**Following:** "institution"

**Insert:** "or a Montana private college"

35. Page 5, line 26.

**Following:** "policy"

**Insert:** "or those eligibility criteria established by the board upon recommendation by the council pursuant to [section 5(2)(c)]"

36. Page 5, line 28.

**Following:** "institution"

**Insert:** "or a Montana private college"

37. Page 6, line 2.

**Following:** "institution"

**Insert:** "or a Montana private college"

38. Page 6, line 3.

**Following:** "and"

**Insert:** ", except for extenuating circumstances as determined by the board"

39. Page 6, line 8.

**Following:** "institution"

**Insert:** "or a Montana private college"

40. Page 6, line 9.

**Following:** "institution"

**Insert:** "or Montana private college"

41. Page 6, line 14.

**Following:** "(3)"

**Strike:** "To"

**Insert:** "Except as provided in subsection (5), to"

42. Page 6, line 15.

**Following:** "institution"

**Insert:** "or a Montana private college"

**Following:** "and"

**Insert:** ", except for extenuating circumstances as determined by the board"

43. Page 6, line 21.

**Following:** "(4)"

**Strike:** "To"

**Insert:** "Except as provided in subsection (5), to"

44. Page 6, line 22.

**Following:** "institution"

**Insert:** "or a Montana private college"

**Following:** "and"

**Insert:** ", except for extenuating circumstances as determined by the board"

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45. Page 6, line 28.

**Following:** line 27

**Insert:** "(5) A student who receives a 4-year scholarship to attend an in-state postsecondary institution as a freshman and sophomore may transfer the scholarship to attend a public out-of-state college or university as a junior or senior if the transfer to the public out-of-state college or university is necessary to complete the final 2 years of a 4-year degree program."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 628**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "DUTIES;"

**Strike:** "AND"

2. Title, line 7.

**Following:** "REGULATION"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 4.

**Strike:** "or"

4. Page 2, line 5.

**Following:** "activities" on line 5

**Insert:** "; or

(vi) an organization, boarding school, or residential school that is an adjunct ministry of a church incorporated in the state of Montana"

5. Page 3, line 11.

**Insert:** "NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 660**, do pass and placed on the consent calendar. Report adopted.

**HB 672**, do pass. Report adopted.

**HB 681**, do pass. Report adopted.

**HB 747**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "DISTRICT"

**Insert:** "AND PUBLIC POSTSECONDARY INSTITUTION"

2. Title, line 5.

**Strike:** "SCHOOL"

**Insert:** "PUBLIC"

3. Page 1, line 12.

**Strike:** "school"

**Insert:** "public"

4. Page 1, line 13.

**Strike:** "school"

5. Page 1, line 17.

**Strike:** "school"

**Following:** "district"

**Insert:** "or public postsecondary institution"

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6. Page 1, line 19.

**Strike:** "school"

7. Page 1, line 21.

**Following:** "district"

**Insert:** "or public postsecondary institution"

8. Page 1, line 22.

**Strike:** "school"

9. Page 1.

**Following:** line 23

**Insert:** "(3) As used in this section, "public education program" means a program operated by a public school or a public postsecondary institution."

10. Page 1, line 25.

**Following:** "instruction."

**Insert:** "(1)"

11. Page 1.

**Following:** line 26

**Insert:** "(2) [Section 1] is intended to be codified as an integral part of Title 20, chapter 25, and the provisions of Title 20, chapter 25, apply to [section 1]."

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 2/20/2005  
**HB 389**, introduced bill, be amended as follows:

1. Page 2, line 28 through line 29.

**Following:** "(i)" on line 28

**Insert:** "the revenue requirement for a plant or equipment owned or leased by a default supplier and used for the production of electricity, including"

**Strike:** "leased" on line 28 through "electricity" on line 29

2. Page 8, line 8.

**Following:** "(2)"

**Insert:** "(a)"

3. Page 8.

**Following:** line 9

**Insert:** "(b) The commission may not penalize the default supplier financially if the default supplier chooses not to invest in, acquire, or lease a plant or equipment used for the production of electricity in the default supplier's default supply portfolio.

(c) If the commission approves the default supplier's investment in, acquisition of, or lease of a plant or equipment used for the production of electricity as a part of the default supply portfolio, the default supplier may not withdraw its proposal from the portfolio."

4. Page 8, line 11.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (2)"

5. Page 8, line 15.

**Following:** "supplier"

**Insert:** "only if the default supplier elects to pursue the option in subsection (2)(a)"

6. Page 9, line 5.

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**Following:** "(1)"

**Insert:** "(a)"

7. Page 9, line 5.

**Following:** "(1)"

**Insert:** "(a)"

8. Page 9, line 7.

**Following:** "electricity."

**Insert:** "The application must specify:

(i) the revenue requirement for electrical energy, capacity, and other services to be supplied by the plant or equipment;

(ii) the quantity of energy, capacity, and other services to be supplied by the plant or equipment; and

(iii) the term to which customers would be committed to the energy, capacity, and other services to be supplied by the plant or equipment.

(b) If an application for advanced approval under this section is based on an investment in or acquisition or lease of a plant or equipment with a nameplate capacity larger than 10 megawatts, the default supplier shall evaluate the specific revenue requirement for the electrical energy, capacity, and other services against other alternatives available in the wholesale market as established by the results of a request for proposals that is consistent with commission rules."

9. Page 9, line 14.

**Following:** the first "69-8-419"

**Insert:** ", "

**Strike:** "and"

**Following:** the second "69-8-419"

**Insert:** ", and the commission's minimum filing requirements"

10. Page 9, line 15 through line 17.

**Strike:** subsection (c) in its entirety

11. Page 9, line 18.

**Following:** "deny"

**Strike:** ", in whole or in part,"

12. Page 9, line 19.

**Strike:** the first "of" through "electricity"

13. Page 9, line 20.

**Strike:** "may"

**Insert:** "shall"

**Following:** "information"

**Insert:** "that is"

**Strike:** "up to"

**Insert:** "and included in the administrative record at"

14. Page 9, line 21.

**Strike:** the second "of" on line 21 through "electricity" on line 22

15. Page 9, line 23 through line 24.

**Strike:** the first "of" on line 23 through "electricity" on line 24

**Insert:** "pursuant to this section"

16. Page 9, line 25 through line 26.

**Strike:** "investment" on line 25 through "electricity" on line 26

**Insert:** "specific revenue requirements for electrical energy, capacity, and other services, the term of those costs, and the quantity of each service to be supplied by the plant or equipment specified in the application for advanced approval"

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17. Page 9, line 27.

**Strike:** "investment or acquisition"

**Insert:** "application"

18. Page 9, line 29 through line 30.

**Strike:** the first "the" on line 29 through "service" on line 30

**Insert:** "the specific revenue requirements for electrical energy, capacity, and other services, the term of those costs, and the quantity of each service to be supplied by the plant or equipment specified in the application for advanced approval are reasonable"

19. Page 10, line 5 through line 6.

**Strike:** "costs" on line 5 through "findings" on line 6

**Insert:** "the specific revenue requirements for electrical energy, capacity, and other services determined to be reasonable in the commissions's order"

20. Page 10, line 7 through line 12.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

21. Page 10.

**Following:** line 25

**Insert:** "(7) (a) In adopting rules pursuant to 69-8-419, the commission shall ensure that the default supplier does not unfairly favor its own generation or lease proposals over alternative supply sources.

(b) The commission shall review default supply procurement bids in order to ensure that the default supplier does not unfairly favor its own generation or lease proposals. The commission may protect cost information that a bidder to supply electricity for the default supply considers confidential if the commission determines protection would be in the public interest.

(c) The commission may, as necessary, require the default supplier to demonstrate that the revenue requirement included in an application for advanced approval reflects a reasonable return on the estimated costs of an investment in or the lease of a plant or equipment used for the production of electricity.

(d) The commission may protect cost information in an application for advanced approval that the default supplier considers confidential if the commission determines protection would be in the public interest."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

2/20/2005

**HB 738**, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

2/20/2005

**HB 69**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** line 9 in its entirety

2. Title, page 1, line 12.

**Strike:** "AMENDING SECTION 15-38-202, MCA;"

3. Page 1, line 26 through line 27.

**Strike:** lines 26 and 27 in their entirety

**Renumber:** subsequent subsection

4. Page 2, line 27 through line 28.

**Strike:** subsection (2) in its entirety.

**Renumber:** subsequent subsections

5. Page 3, line 11 through page 7, line 25.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

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6. Page 7, line 30.

**Insert:** "COORDINATION SECTION. Section 6. Coordination instruction. If House Bill No. 22 is passed and approved, [this act] is void."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 453**, introduced bill, be amended as follows:

1. Page 2, line 8.

**Strike:** "\$500"

**Insert:** "\$250"

**Strike:** "\$5,000"

**Insert:** "\$1,000"

2. Page 2, line 11 through line 12.

**Following:** "of the" on line 11

**Strike:** "first" on line 11 through "or in the" on line 12

**Following:** "occurred" on line 12

**Insert:** " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

3. Page 3, line 11.

**Strike:** "\$500"

**Insert:** "\$250"

4. Page 3, line 12.

**Strike:** "\$5,000"

**Insert:** "\$1,000"

5. Page 3, line 15 through line 16.

**Following:** "of the" on line 15

**Strike:** "first" on line 15 through "or in the" on line 16

**Following:** "occurred" on line 16

**Insert:** " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

6. Page 4, line 21 through line 22.

**Following:** "of the" on line 21

**Strike:** "first" on line 21 through "or in the" on line 22

**Following:** "occurred" on line 22

**Insert:** " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

7. Page 6, line 4.

**Strike:** "\$500"

**Insert:** "\$250"

8. Page 6, line 5.

**Strike:** "\$5,000"

**Insert:** "\$1,000"

And, as amended, do pass. Report adopted.

**HB 470**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "COSTS"

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**Insert:** "AND FEES"

2. Title, page 1, line 5.  
Following: "SECTIONS"  
Insert: "75-1-202,"  
Following: "75-1-207,"  
Strike: "75-1-220,"  
Insert: "75-1-208,"

3. Title, page 1, line 6.  
Strike: "75-10-929,"  
Strike: "75-20-301,"

4. Title, line 7 through line 8.  
Strike: "REPEALING" on line 7 through "75-1-204, MCA;" on line 8

5. Page 1, line 12.  
**Insert:** "Section 1. Section 75-1-202, MCA, is amended to read:  
"75-1-202. **Agency rules to prescribe fees.** Each agency of state government charged with the responsibility of issuing a lease, permit, contract, license, or certificate under any provision of state law may adopt rules prescribing fees ~~which shall that must~~ be paid by a person, corporation, partnership, firm, association, or other private entity when an application for a lease, permit, contract, license, or certificate will require an agency to compile an environmental impact statement as prescribed by 75-1-201 and the agency has not made the finding under 75-1-205(1)(a). An agency must shall determine within 30 days after a completed application is filed whether it will be necessary to compile an environmental impact statement and assess a fee as prescribed by this ~~part~~ section within any statutory timeframe for issuance of the lease, permit, contract, license, or certificate or, if no statutory timeframe is provided, within 90 days. The Except as provided in 85-2-124, the fee assessed under this ~~part~~ section shall may be used only to gather data and information necessary to compile an environmental impact statement as defined in parts 1 through 3. ~~No A~~ A fee may not be assessed if an agency intends only to file a negative declaration stating that the proposed project will not have a significant impact on the human environment."

**Renumber:** subsequent sections

6. Page 1, line 14.  
**Following:** "fees"  
**Insert:** "and costs"

7. Page 1, line 16.  
Following: "paying"  
Insert: ":"  
(a)"

8. Page 1, line 17.  
Following: "process"  
Insert: "if the agency makes a written determination, based on material evidence identified in the determination, that there will be a significant environmental impact or a potential for a significant environmental impact; or  
(b) a fee as provided in 75-1-202 if the agency does not make the determination provided for in subsection (1)(a)"

9. Page 1, line 22.  
Following: "distributing"  
Insert: "a reasonable number of copies of"

10. Page 1, line 26.  
Following: "distributing"  
Insert: "a reasonable number of copies of"

11. Page 1, line 29.



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Following: "(3)"  
Insert: "(a)"  
Following: "include"  
Insert: ":"  
(a)"

12. Page 1, line 30.  
Following: "statement"  
Strike: "and"  
Insert: ";"  
(b)"  
Following: "of"  
Insert: "an"  
Following: "agency"  
Strike: "employees"  
Insert: "employee who is designated as the agency's coordinator for preparation of the environmental impact statement"

13. Page 2, line 1.  
Following: "those activities"  
Insert: "; and"  
(c) travel and per diem expenses for other agency personnel for attendance at meetings and hearings on the environmental impact statement"

14. Page 2, line 2 through line 6.  
**Strike:** subsections (4) and (5) in their entirety  
Insert: "(4)(a) Whenever the agency makes the determination in subsection (1)(a), it shall notify the applicant of the cost of conducting the process to determine the scope of the environmental impact statement. The applicant shall pay that cost, and the agency shall then conduct the scoping process. The timeframe in 75-1-208(4)(a)(i) and any statutory timeframe for a decision on the application is tolled until the applicant pays the cost of the scoping process."

(b) If the agency decides to hire a third-party contractor to prepare the environmental impact statement, the agency shall prepare a list of no fewer than four contractors acceptable to the agency and shall provide the applicant with a copy of the list. If fewer than four acceptable contractors are available, the agency shall include all acceptable contractors on the list. The applicant shall provide the agency with a list of at least 50% of the contractors from the agency's list. The agency shall select its contractor from the list provided by the applicant.

(c) Upon completion of the scoping process and subject to subsection (1)(d), the agency and the applicant shall negotiate an agreement for the preparation of the environmental impact statement. The agreement shall provide that:

(i) the applicant shall pay the cost of the environmental impact statement as determined by the agency after consultation with the applicant. In determining the cost, the agency shall identify and consult with the applicant regarding the data and information that must be gathered and studies that must be conducted.

(ii) the agency shall prepare the environmental impact statement within a reasonable time determined by the agency after consultation with the applicant and set out in the agreement. This timeframe supersedes any timeframe in statute or rule. If the applicant and the agency cannot agree on a timeframe, the agency shall prepare the environmental impact statement within any timeframe provided by statute or rule.

(iii) the applicant shall make periodic advance payments to cover work to be performed;

(iv) the agency may order work on the environmental impact statement to stop if the applicant fails to make advance payment as required by the agreement. The time for preparation of the environmental impact statement is tolled for any period during which a stop-work order is in effect for failure to make advance payment.

(v)(A) if the agency determines that the actual cost of preparing the environmental impact statement will exceed the cost set out in the agreement or that more time is necessary to prepare the environmental impact statement, the agency shall submit proposed modifications to the agreement to the applicant;

(B) if the applicant does not agree to an extension of the time for preparation of the environmental impact statement, the agency may initiate the informal review process under subsection (4)(d). Upon completion of the informal review process, the agreement may be amended only with the consent of the applicant.

(C) if the applicant does not agree with the increased costs proposed by the agency, the applicant may

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refuse to agree to the modification and may also provide the agency with a written statement providing the reason that payment of the increased cost is not justified or, if applicable, the reason that a portion of the increased cost is not justified. The applicant may also request an informal review as provided in subsection (4)(d). If the applicant provides a written statement pursuant to this subsection (4)(c)(v)(C), the agreement must be amended to require the applicant to pay all undisputed increased cost and 75% of the disputed increased cost and to provide that the agency is responsible for 25% of the disputed increased cost. If the applicant does not provide the statement, the agreement must be amended to require the applicant to pay all increased costs.

(d) If the applicant does not agree with costs determined under subsection (4)(c)(i) or proposed under subsection (4)(c)(v), the applicant may initiate the informal review process pursuant to 75-1-208(3). If the applicant does not agree to a time extension proposed by the agency under subsection (4)(c)(v), the agency may initiate an informal review by an appropriate board under 75-1-208(3). The period of time for completion of the environmental impact statement provided in the agreement is tolled from the date of submission of a request for a review by the appropriate board until the date of completion of the review by the appropriate board. However, the agency shall continue to work on preparation of the environmental impact statement during this period if the applicant has advanced money to pay for this work."

**Renumber:** subsequent subsection

15. Page 2, line 7.  
Following: "fees"  
Insert: "and costs"

16. Page 2, line 8.  
Following: "fees"  
Insert: "and costs"

17. Page 2, line 17.  
**Strike:** "of environmental quality"  
Following: "under"  
Strike: "75-1-205"  
Insert: "75-1-205(1)(a)"

18. Page 2, line 20 through page 3, line 19.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

**Insert:** "Section 4. Section 75-1-208, MCA, is amended to read:

**"75-1-208. Environmental review procedure.** (1) (a) Except as provided in 75-1-205(4) and subsection (1)(b) of this section, an agency shall comply with this section when completing any environmental review required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) A project sponsor may, after providing a 30-day notice, appear before the environmental quality council at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The environmental quality council shall ensure that the appropriate agency personnel are available to answer questions.

(3) If a project sponsor experiences problems in dealing with the agency or any consultant hired by the agency regarding an environmental review, the project sponsor may submit a written request to the agency director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow the agency to prepare for the meeting. If the issues remain unresolved after the meeting with the agency director, the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the agency and the board to prepare for the meeting.

(4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are provided by law. All time limits are measured from the date the agency receives a complete application. An agency has:

(i) 60 days to complete a public scoping process, if any;

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(ii) 90 days to complete an environmental review unless a detailed statement pursuant to 75-1-201(1)(b)(iv) or 75-1-205(4), is required; and

(iii) 180 days to complete a detailed statement pursuant to 75-1-201(1)(b)(iv).

(b) The period of time between the request for a review by a board and the completion of a review by a board under 75-1-201(1)(b)(iv)(C)(III) or (8) or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, and 82-4-432.

(5) An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension, the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the extension.

(6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that the appropriate board, if any, conduct a review of the agency's decision to extend the time period. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(7) (a) Except as provided in subsection (7)(b), if an agency has not completed the environmental review by the expiration of the original or extended time period, the agency may not withhold a permit or other authority to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval to act would result in the violation of a statutory or regulatory requirement.

(b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2.

(8) Under this part, an agency may only request that information from the project sponsor that is relevant to the environmental review required under this part.

(9) An agency shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) An agency may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an agency's request regarding the level of design detail information that the agency believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(11) An agency shall, when appropriate, consider the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

**Renumber:** subsequent sections

19. Page 5, line 24 through line 30.

Strike: "At" on line 24 through "75-1-205." on line 30

20. Page 6, line 1.

Following: "in"

Insert: "75-1-205(4) and"

21. Page 6, line 4.

Strike: "if the department prepares the environmental impact statement."

22. Page 6, line 6 through line 8.

Following: "~~statement.~~"

Strike: remainder of line 6 through "costs." on line 8

Insert: "if the department prepares the environmental impact statement;"

23. Page 10, line 6 through page 12.

Strike: "At" on line 6 through "75-1-205." on line 12

24. Page 10, line 13.

Following: "in"

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Insert: "75-1-205(4) and"

25. Page 10, line 16.

**Strike:** "if the department prepares the environmental impact statement."

26. Page 10, line 18 through line 20.

Following: "~~statement;~~"

Strike: remainder of line 18 through "costs." on line 20

Insert: "if the department prepares the environmental impact statement;"

27. Page 12, line 26 through page 13, line 1.

Strike: "At" on line page 12, line 26, through "75-1-205." on page 13, line 1

28. Page 13, line 3.

Strike: "and payment of any estimated cost pursuant to 75-1-205"

29. Page 13, line 7.

Following: "in"

Insert: "75-1-205(4) and"

30. Page 13, line 8 through line 9.

Strike: "and" on line 8 through "75-1-205" on line 9

31. Page 13, line 14 through page 14, line 11.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

32. Page 15, line 8.

Strike: "(a)"

33. Page 15, line 9.

Following: "~~(a)~~"

Strike: "(i)"

Insert: "(a)"

34. Page 15, line 10.

Following: "~~(b)~~"

Strike: "(ii)"

Insert: "(b)"

35. Page 15, line 13 through line 18.

**Strike:** subsection (b) in its entirety

36. Page 15, line 20.

Strike: "and payment of any estimated cost required to be paid under 75-1-205"

37. Page 15, line 25.

Following: "in"

Insert: "75-1-205(4),"

**Following:** "75-1-208(4)(b)"

**Insert:** ", "

38. Page 15, line 26 through line 27.

Strike: "and" on line 26 through "75-1-205" on line 27

39. Page 16, line 4.

Following: "in"

Insert: "75-1-205(4),"

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Following: "75-1-208(4)(b)"

Insert: ", "

40. Page 16, line 5 through line 6.

Strike: "and" on line 5 through "75-1-205" on line 6

41. Page 16, line 23 through page 18, line 4.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

42. Page 19, line 25.

Following: "in"

Insert: "75-1-205(4) and"

43. Page 19, line 28 through line 30.

Strike: "after" on line 28 through "costs" on line 30

44. Page 21, line 4 through line 9.

Strike: "At" on line 4 through "75-1-205." on line 9

45. Page 21, line 10.

Following: "in"

Insert: "75-1-205(4) and"

46. Page 21, line 11 through line 12.

Strike: "and" on line 11 through "75-1-205" on line 12

47. Page 21, line 14.

Strike: "after payment of any additional cost required to be paid by 75-1-205(5)"

48. Page 22, line 17.

Strike: "The" through " ."

49. Page 23, line 16.

Following: "in"

Insert: "75-1-205(4) and"

50. Page 23, line 17 through line 18.

Strike: "if" on line 17 through "necessary" on line 18

51. Page 24, line 5.

Strike: "(i)"

Following: "in"

Insert: "75-1-205(4) and"

52. Page 24, line 10.

Strike: "(ii)"

Following: "on"

Strike: " ."

53. Page 24, line 11.

Strike: "(A)"

54. Page 24, line 11 through line 13.

Strike: "if" on line 11 through "(B)" on line 13

55. Page 24, line 13 through line 15.

Strike: "or" on line 13 through "later" on line 15

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56. Page 24, line 16.

**Strike:** "(iii)"

57. Page 27, line 29 through page 28, line 4.

Strike: "At" on page 27, line 29 through "75-5-205." on page 28, line 4

58. Page 28, line 5.

Following: "in"

Insert: "75-1-205(4) and"

59. Page 28, line 30 through page 29, line 2.

Strike: "If" on page 28, line 30, through "75-1-205." on page 29, line 2

60. Page 29, line 10 through line 11.

Strike; "However" on line 10 through "costs." on line 11

61. Page 32, line 22.

**Following:** "Costs"

**Insert:** "and fees"

62. Page 32, line 26.

**Following:** "water"

**Insert:** "and the application or combination of applications involves the use of 4,000 or more acre-feet per year and 5.5 or more cubic feet per second of water"

63. Page 32, line 26.

Following: "applicant"

Insert: "shall follow the process and"

64. Page 32, line 27.

Following: "costs"

Insert: "or fees"

Following: "in"

Strike: "75-5-205"

Insert: "Title 75, chapter 1, parts 1 and 2"

65. Page 32, line 27 through page 33, line 1.

Strike: "The" on line 27 through "(2)" on page 33, line 1

66. Page 33, line 7.

Following: "costs"

Insert: "and fees"

67. Page 33, line 9 through line 24.

Strike: "Any" on line 9 through "expense." on line 24

68. Page 33, line 25.

**Strike:** "(5)"

**Insert:** "(4)"

Following: "Costs"

Insert: "or fees"

69. Page 34, line 2.

**Strike:** "(6)"

**Insert:** "(5)"

Following: "costs"

Insert: "or fees"

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70. Page 34, line 3.

**Strike:** "(7)"

**Insert:** "(6)"

71. Page 35, line 19.

Following: "costs"

Insert: "or fees"

72. Page 35, line 22 through line 23.

**Strike:** section 22 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 581**, do pass. Report adopted.

**HB 591**, introduced bill, be amended as follows:

1. Page 1, line 18 through line 19.

**Following:** "~~residential~~" on line 18

**Strike:** remainder of line 18 through "chapter" on line 19

**Insert:** "may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners"

2. Page 1, line 20.

**Strike:** "condition the"

**Insert:** "reasonably condition, but not prohibit, the complete"

3. Page 1, line 22.

**Following:** "asphalt"

**Strike:** ", on" through "as"

**Insert:** "in all zones other than"

And, as amended, do pass. Report adopted.

**HB 609**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "SECTIONS 27-19-201 AND"

**Insert:** "SECTION"

2. Page 1, line 11 through line 28.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 2, line 10.

**Strike:** "prevailing"

**Following:** "party"

**Insert:** "obtaining injunctive relief"

4. Page 2, line 11.

**Following:** "means"

**Insert:** "an action by a party with a water right"

**Strike:** "contest"

**Insert:** "enjoin"

5. Page 2, line 12 through line 14.

**Strike:** "valid"

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**Following:** "right"

**Insert:** "."

**Strike:** remainder of line 12 through "." on line 13

6. Page 2, line 18.

**Strike:** "prevailing"

**Following:** "party"

**Insert:** "obtaining injunctive relief"

7. Page 2, line 19.

**Following:** "means"

**Insert:** "an action by a party with a water right"

**Strike:** "contest"

**Insert:** "enjoin"

8. Page 2, line 20 through line 21.

**Strike:** "valid"

**Following:** "right"

**Insert:** "."

**Strike:** remainder of line 20 through line 21

And, as amended, do pass. Report adopted.

**HB 666**, do pass. Report adopted.

**HB 700**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "7-6-2225,"

**Insert:** "7-6-2226,"

2. Title, line 11.

**Strike:** "REPEALING SECTION 7-6-2226, MCA;"

3. Page 1, line 16.

**Following:** "~~reserve~~"

**Insert:** "trust"

4. Page 3, line 7.

**Following:** "county for"

**Insert:** "general"

**Following:** "planning"

**Insert:** "functions"

5. Page 1, line 18.

**Following:** "~~reserve~~"

**Insert:** "trust"

6. Page 1, line 19.

**Following:** "mine"

**Insert:** "trust"

7. Page 1, line 27.

**Following:** "mine"

**Insert:** "trust"

8. Page 2, line 3.

**Following:** "to"

**Insert:** "existing business for retention and expansion or to assist"



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**Strike:** "or expanding"

9. Page 2, line 9.

**Following:** "mine"

**Insert:** "trust"

10. Page 2, lines 10 through 12.

**Following:** "levies." on line 10

**Strike:** remainder of line 10 through line 12 in its entirety

11. Page 2, line 13.

**Following:** "mine"

**Insert:** "trust"

12. Page 2, line 15.

**Insert:** "**Section 2.** Section 7-6-2226, MCA, is amended to read:

**"7-6-2226. Metal mines license tax reserve account.** (1) The governing body of a county receiving tax collections under 15-37-117(1)(e) may establish a metal mines license tax ~~reserve~~ account to be used to hold the collections. The governing body may hold money in the account for any time period considered appropriate by the governing body. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account ~~for any purpose as provided by law in 7-6-2225.~~

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the metal mines license tax ~~reserve~~ account must be credited to the account.""

**Renumber:** subsequent sections

13. Page 3, line 4.

**Following:** "~~reserve~~"

**Insert:** "trust"

14. Page 4, line 18.

**Following:** "~~reserve~~"

**Insert:** "trust"

15. Page 4, line 21.

**Strike:** section 5 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer the following bills to the House Appropriations Committee: HB 173, HB 438, HB 340, HB 392, HB 521, HB 614, HB 687, HB 695, and HB 640. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 372 to the Appropriations Committee. Rep. Leader Brown objected. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 46

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Jopek, Small-Eastman.

Total 2

Rep. Koopman moved to withdraw HB 322 from the Business and Labor Committee and place on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Everett, Gallik, Glaser, Hamilton, Hendrick, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, Peterson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wiseman.

Total 47

Noes: Balyeat, Bergren, Bixby, Branae, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McNutt, Noennig, Noonan, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: Jopek, Small-Eastman.

Total 2

Rep. Jackson moved to withdraw HB 360 from the Natural Resources Committee and place on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Cohenour, Dowell, Eaton, Everett, Glaser, Golie, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, McGillvray, McKenney, McNutt, Morgan, Musgrove, B. Olson, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden.

Total 41

Noes: Barrett, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Dickenson, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, Mendenhall, Milburn, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ross, Sesso, Villa, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: Jopek, Small-Eastman.

Total 2

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Rep. Stoker moved to reconsider action of yesterday, February 18, 2005, on HB 490 and place on 2nd Reading. Motion passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Driscoll, Everett, Franklin, Gallik, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Morgan, Musgrove, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wiseman, Witt.  
Total 59

Noes: Andersen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Hiner, Jayne, Jent, Keane, Lambert, Lenhart, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Noennig, Noonan, B. Olson, Raser, Sesso, Villa, Ward, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Jopek, Small-Eastman.  
Total 2

Dem. Floor Leader Parker moved to withdraw HB 395 from Human Services Committee and re-refer to the House Appropriations Committee. Speaker Matthews stated this requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 80

Noes: Barrett, D. Brown, Eaton, Everett, Hawk, Jent, Lake, Malcolm, McKenney, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Witt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Jopek, Small-Eastman.  
Total 2

Rep. Leader Brown moved to re-refer HB 615 to House Appropriations. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin,

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Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt,  
Mr. Speaker.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Jopek, Small-Eastman.  
Total 2

**UNFINISHED BUSINESS**

Rep. L. Jones requested the following sponsor be added to HB 484: Rep. Taylor.

Rep. L. Jones objected to HB 507 on the Consent Calendar and requested the bill be placed on 2nd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Monday, February 21, 2005. Motion carried.

House adjourned at 4:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 21, 2005

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59TH LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana  
February 21, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Maedje. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages: Tom Furey, Missoula; Keane Hamilton, Lolo; Tiffany Moullet, Huntley; Sara Snell, Rudyard; Hallie Swain, Helena; Caleb Skjervem, Helena; Zack Wheelihan, Great Falls; and Trent Zempel, Conrad.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/21/2005  
Correctly printed: **HB 141, HB 581, HB 624, HB 704, HB 737, HB 725, HB 732, HB 630, HB 645, HB 660, HB 666, HB 672, HB 681, HB 683, HB 688, HB 738, HB 746, HJR 21, HJR 28.**  
Correctly engrossed: **HB 69, HB 310, HB 389, HB 453, HB 470, HB 591, HB 609, HB 628, HB 642, HB 700.**  
Signed by the President at 4:00 p.m., February 19, 2005: **HB 447.**  
Delivered to the Governor for approval at 7:50 a.m., February 21, 2005: **HB 447.**

MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence: 2/21/2005

**SB 265**, introduced by Larson  
**SB 353**, introduced by Pease  
**SB 373**, introduced by Essmann  
**SB 401**, introduced by Laslovich  
**SB 422**, introduced by Joe Balyeat  
**SB 430**, introduced by Ryan  
**SB 433**, introduced by Lind

**Senate joint resolutions** passed and transmitted to the House for concurrence: 2/21/2005

**SJR 15**, introduced by Williams  
**SJR 16**, introduced by Williams

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

**SB 1**, introduced by Schmidt, referred to Transportation.  
**SB 5**, introduced by Hansen, referred to Business and Labor.  
**SB 6**, introduced by Esp, referred to Human Services.  
**SB 8**, introduced by Roush, referred to Business and Labor.  
**SB 9**, introduced by Cromley, referred to Transportation.  
**SB 14**, introduced by Cooney, referred to State Administration.  
**SB 16**, introduced by Tropila, referred to State Administration.  
**SB 17**, introduced by Cooney, referred to State Administration.  
**SB 20**, introduced by Roush, referred to Local Government.

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**SB 21**, introduced by Grimes, referred to Human Services.  
**SB 23**, introduced by Gillan, referred to Federal Relations, Energy, and Telecommunications.  
**SB 24**, introduced by Cromley, referred to State Administration.  
**SB 25**, introduced by Cocchiarella, referred to State Administration.  
**SB 26**, introduced by Story, referred to Taxation.  
**SB 29**, introduced by Schmidt, referred to Human Services.  
**SB 30**, introduced by Laslovich, referred to Judiciary.  
**SB 32**, introduced by Cromley, referred to Local Government.  
**SB 33**, introduced by Cobb, referred to Human Services.  
**SB 35**, introduced by Esp, referred to Judiciary.  
**SB 36**, introduced by Esp, referred to State Administration.  
**SB 37**, introduced by Schmidt, referred to Business and Labor.  
**SB 38**, introduced by Schmidt, referred to Transportation.  
**SB 39**, introduced by Mangan, referred to Transportation.  
**SB 40**, introduced by McGee, referred to Local Government.  
**SB 41**, introduced by Keenan, referred to Human Services.  
**SB 42**, introduced by Keenan, referred to Human Services.  
**SB 44**, introduced by McGee, referred to Natural Resources.  
**SB 45**, introduced by Harrington, referred to Transportation.  
**SB 46**, introduced by O'Neil, referred to Human Services.  
**SB 47**, introduced by Laible, referred to Agriculture.  
**SB 248**, introduced by Joe Balyeat, John Balyeat, Hawk, Klock, Wells, referred to Transportation.

Rep. Lange announced the House Republicans will caucus.  
Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will stand at ease until 8:35 a.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Wanzenried moved consideration of **HB 240** be placed below HB 653 on the second reading board. Motion carried.

Representative Wanzenried moved consideration of **HB 502** be placed below HJR 11 on the second reading board. Motion carried.

**HB 241** - Representative Wanzenried moved **HB 241** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

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Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 263** - Representative Lange moved **HB 263** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Bixby, Campbell, Cohenour, Jayne, Juneau, Musgrove, B. Olson, Villa, Wanzenried.

Total 9

Excused: None.

Total 0

Absent or not voting: Jackson, Jopek.

Total 2

Representative Wagman moved consideration of **HB 420** be placed below HB 538 on the second reading board. Motion carried.

**HB 440** - Representative Wiseman moved **HB 440** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 62

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Ward, Warden, Wells.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 454** - Representative Peterson moved **HB 454** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Driscoll, Everett, Facey, Furey, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm,

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McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 64

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Jackson, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 474** - Representative Buzzas moved **HB 474** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Andersen, Hawk, Hendrick, Koopman, Lake, Maedje, Mendenhall, Musgrove, Noennig, B. Olson, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Wells, Witt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Wanzenried moved consideration of **HB 502** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 538** - Representative Butcher moved **HB 538** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Butcher, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Malcolm, McAlpin, Musgrove, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**HB 420** - Representative Wagman moved **HB 420** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Eaton, McAlpin, Wanzenried.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 589** - Representative Stahl moved **HB 589** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Branae, Butcher, Buzzas, Dowell, Driscoll, Everett, Facey, Furey, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jent, L. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Mendenhall, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Windham, Windy Boy, Wiseman, Witt.  
Total 55

Noes: Balyeat, Bergren, Bixby, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Eaton, Franklin, Gallik, Golie, Grinde, Hawk, Hendrick, Himmelberger, Jacobson, Jayne, W. Jones, Juneau, Kaufmann, Koopman, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Noonan, Rice, Ripley, Sales, Sinrud, Small-Eastman, Sonju, Wagman, Ward, Wells, Wilson, Mr. Speaker.  
Total 45

Voted Absentee: Dowell, Jopek, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 601** - Representative Clark moved **HB 601** do pass.

**HB 601** - Representative D. Brown moved **HB 601**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

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Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Maedje, McAlpin, Mendenhall, Musgrove, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 56

Voted Absentee: Dowell, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 601** - Representative Clark moved **HB 601** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Lake, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Sales, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Keane, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Voted Absentee: Dowell, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 653** - Representative Becker moved **HB 653** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Balyeat, Buzzas, Caferro, Gallik, Jayne, Kaufmann, McAlpin.

Total 7

Voted Absentee: Dowell, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren, Driscoll, Jacobson, MacLaren, Parker.

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Total 5

**HB 240** - Representative Facey moved **HB 240** do pass.

**HB 240** - Representative Morgan moved **HB 240**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 240** - Representative Rice moved **HB 240**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

**Following:** "DEFAMATION:"

**Insert:** "PROVIDING THAT A SENTENCE ENHANCEMENT MAY NOT VIOLATE DEFENDANT'S FIRST AMENDMENT RIGHTS;"

2. Page 1, line 23.

**Following:** "with"

**Insert:** "and it does not violate the person's rights under the first amendment to the United States constitution"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Bixby, Juneau, B. Olson.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 240** - Representative Butcher moved **HB 240**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 46

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 240** - Representative Bergren moved for cloture **HB 240**. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Andersen, Arntzen, R. Brown, Butcher, Everett, Gallik, Glaser, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, McGillvray, Mendenhall, Milburn, Peterson, Rice, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 33

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 240** - Representative Facey moved **HB 240**, as amended, do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

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Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 661** - Representative Bergren moved **HB 661** do pass.

**HB 661** - Representative Gallik moved **HB 661**, second reading copy, be amended as follows:

1. Page 3, following line 21.

**Insert:** "(4) The proprietor or manager of a business licensed under 23-5-611(1)(c) may not allow any member of the public who is under 18 years of age to be present in any area of the establishment in which smoking is permitted and gambling devices are present."

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Becker, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Lindeen, MacLaren, McAlpin, Morgan, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, Butcher, Driscoll, Everett, Franklin, Hawk, Heinert, Hendrick, Jayne, Jent, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Warden, Wells, Witt, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 661** - Representative Gallik moved **HB 661**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Eaton, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jopek, Kaufmann, McAlpin, Noonan, Raser, Small-Eastman, Ward, Wilson, Windham, Wiseman.

Total 30

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Dickenson, Driscoll, Everett, Facey, Franklin, Glaser, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windy Boy, Witt, Mr. Speaker.

Total 70

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 661** - Representative Gallik moved **HB 661**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman.  
Total 39

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 61

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 661** - Representative Gallik moved **HB 661**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Gutsche, Hamilton, Harris, Hiner, Jackson, Jacobson, W. Jones, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman.  
Total 38

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Driscoll, Everett, Franklin, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jayne, Jent, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 62

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 661** - Representative Clark moved for cloture on **HB 661**. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Callahan, Campbell, Clark, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt,

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Mr. Speaker.  
Total 87

Noes: R. Brown, Buzzas, Caferro, Cohenour, Dowell, Gallik, Golie, Jacobson, W. Jones, Kaufmann, MacLaren, McAlpin, Wilson.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 661** - Representative Bergren moved **HB 661**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Galvin-Halcro, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Jayne, Jent, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 58

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, W. Jones, Jopek, Juneau, Kaufmann, MacLaren, McAlpin, Noennig, Parker, Raser, Roberts, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Leader Wanzenried moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Callahan, Clark, Driscoll, Everett, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jayne, Jent, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Windy Boy, Wiseman, Witt.  
Total 65

Noes: Balyeat, Bixby, Butcher, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, Raser, Sales, Wanzenried, Ward, Windham.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Franklin, Jackson, W. Jones, Roberts, Wilson, Mr. Speaker.  
Total 6

**COMMUNICATIONS AND PETITIONS**

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Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Republican Leader Brown. Rep. Brown stated that HB 456 received a tie vote during executive action in the House Education Committee and that he would like to exercise one of the discretionary bills allowed under the adopted rules of the House (H30-50 Procedures, Subsection 5) on HB 456.

Rep. Brown asked that HB 456 be placed on the agenda for the purposes of 2nd Reading on Tuesday, February 22, 2005.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Galvin-Halcro, Chairman):  
**HB 652**, introduced bill, be amended as follows:

2/21/2005

1. Title, page 6.

**Following:** "DISTRICT;"

**Insert:** "CLARIFYING THE TRANSPORTATION OF STUDENTS IF A HIGH SCHOOL TRANSPORTATION SERVICE AREA ENCOMPASSES AN INDEPENDENT ELEMENTARY DISTRICT;"

2. Page 1, line 16.

**Strike:** "(2)(b)"

**Insert:** "(2)(c)"

3. Page 1, line 19.

**Following:** line 18

**Insert:** "(b) (i) Subject to subsection (2)(b)(ii), if a high school transportation service area encompasses an independent elementary school district, the transportation service area within the independent elementary district is limited to high school pupils.

(ii) A high school district may not transport pupils from an independent elementary district within a high school district without the approval of the trustees of both the high school district and the independent elementary district."

**Renumber:** subsequent subsection

4. Page 1, line 21.

**Strike:** "(2)(b)"

**Insert:** "(2)(c)"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):  
**HB 707**, introduced bill, be amended as follows:

2/21/2005

1. Page 2, line 8.

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If House Bill No. 172 is not passed and approved, then [section 1(1) and (7) of this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HJR 30**, introduced joint resolution, be amended as follows:

1. Page 1, line 11.

**Following:** "87-1-266(2)"

**Insert:** "and (3), 87-1-301(5)(b)"

2. Page 1, line 11 through line 12.

**Following:** "87-2-501(3)" on line 11

**Strike:** remainder of line 11 through "(4)" on line 12



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**Insert:** "through (5)"

3. Page 1, line 12.

**Following:** "87-2-511(1),"

**Insert:** "87-2-512(1)(e),"

**Following:** "87-2-513,"

**Strike:** "and"

**Following:** "87-2-520,"

**Insert:** "and 87-2-705,"

4. Page 1, line 26.

**Following:** "licenses"

**Insert:** "or permit or permits or in sponsoring another person to receive a big game license or permit"

And, as amended, be adopted. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/21/2005

**HB 91**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Following:** "trunk"

**Insert:** "or, if there is no space behind the last upright seat, then behind the seat that is in front of the last upright seat if there is no passenger between the last upright seat and the seat that is in front of the last upright seat"

2. Page 2, line 6 through line 7.

**Strike:** "any" on line 6 through "amount" on line 7

**Insert:** "more than 1/6 ounce"

And, as amended, do pass. Report adopted.

**HB 374**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "PERSON FOR"

**Insert:** "A FIRST THROUGH THIRD CONVICTION OF"

2. Title, page 1, line 7.

**Following:** "61-8-714"

**Strike:** ", "

**Insert:** "AND"

**Strike:** "AND 61-8-731,"

3. Page 1, line 17.

**Strike:** "for each of those passengers"

4. Page 1, line 27 through line 28.

**Strike:** "for each" on line 27 through "passengers" on line 28

5. Page 2, line 6 through line 7.

**Strike:** "for each" on line 6 through "passengers" on line 7

6. Page 2, line 18 through line 19.

**Strike:** "for each" on line 18 through "passengers" on line 19

7. Page 2, line 24.

**Strike:** "for each of those passengers"

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8. Page 3, line 1.

**Strike:** "for each of those passengers"

9. Page 3, line 6 through page 4, line 27.

**Strike:** section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 693**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Following:** "ARMS;" on line 5

**Insert:** "AND"

**Strike:** "SECTIONS" on line 5 through "45-8-317" on line 6

**Insert:** "SECTION 46-6-502"

2. Page 1, line 17 through line 18.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

3. Page 1, line 20.

**Strike:** "6"

**Insert:** "4"

4. Page 2, line 18 through page 3, line 21.

**Strike:** section 5 through section 6 in their entirety

**Renumber:** subsequent sections

5. Page 3, line 29 through page 4, line 1.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

6. Page 4, line 3.

**Strike:** "**means of self-defense**"

**Insert:** "firearms not allowed"

7. Page 4, line 3 through line 10.

**Strike:** "(1)" on line 3 through "(2)" on line 10

8. Page 4, line 13 through page 5, line 1.

**Strike:** section 10 through section 11 in their entirety

**Renumber:** subsequent sections

9. Page 5, line 12 through page 6, line 3.

**Strike:** section 13 through section 14 in their entirety

**Renumber:** subsequent section

10. Page 6, line 5.

**Strike:** "5"

**Insert:** "4"

11. Page 6, line 7.

**Strike:** "5"

**Insert:** "4"

12. Page 6, line 8 through line 9.

**Strike:** subsection (2) in its entirety

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**Renumber:** subsequent subsections

13. Page 6, line 10.

**Strike:** "7"

**Insert:** "5"

14. Page 6, line 11.

**Strike:** "7"

**Insert:** "5"

15. Page 6, line 12 through line 13

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

16. Page 6, line 14.

**Strike:** "9"

**Insert:** "6"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

2/21/2005

**HB 698**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "transfer"

**Insert:** "of money"

**Strike:** "of money"

And, as amended, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Clark notified Speaker Matthews that President Lincoln awaits entrance to the House Chamber.

Speaker Matthews asked Sergeant-at-Arms Clark to escort President Lincoln into the House Chamber.

Speaker Matthews introduced President Lincoln. President Lincoln spoke to the House of Representatives on his 196th birthday. Speaker Matthews thanked President Lincoln a/k/a Harry Fritz of Missoula.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Parker in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 342** - Representative Wanzenried moved **HB 342** do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, R. Brown, Butcher, Campbell, Cohenour, Driscoll, Eaton, Facey, Furey, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jayne, W. Jones, Juneau, Koopman, Lake, Lange, MacLaren, Maedje, McGillvray, McKenney, Morgan, Raser, Rice, Roberts, Ross, Sales, Sinrud, Small-Eastman, Stoker, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman.

Total 47

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Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Ripley, Sesso, Sonju, Stahl, Taylor, Villa, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 668** - Representative Noonan moved **HB 668** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 70

Noes: Arntzen, Balyeat, D. Brown, Butcher, Buzzas, Everett, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Malcolm, McKenney, McNutt, Mendenhall, Milburn, B. Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Waitschies, Ward, Witt.

Total 28

Excused: None.

Total 0

Absent or not voting: Klock, Lambert.

Total 2

Representative Wanzenried moved consideration of **HB 705** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 712** - Representative Heinert moved **HB 712** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Branae, Butcher, Buzzas, Campbell, Clark, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 78

Noes: Balyeat, Bixby, D. Brown, Caferro, Callahan, Cohenour, Dickenson, Eaton, Harris, Jayne, Jopek, Juneau, Kaufmann, Keane, Musgrove, Villa, Windy Boy, Wiseman.

Total 18

Excused: None.

Total 0

Absent or not voting: Becker, R. Brown, Himmelberger, Klock.

Total 4

**HB 730** - Representative Lange moved **HB 730** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.

Total 53

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 7** - Representative Small-Eastman moved **HJR 7** be adopted.

**HJR 7** - Representative Peterson moved **HJR 7**, second reading copy, be amended as follows:

1. Page 2, line 12.

**Strike:** "the 47"

**Insert:** "as many"

**Following:** "countries"

**Insert:** "as possible"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 7** - Representative Small-Eastman moved **HJR 7**, as amended, be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson,

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B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 11** - Representative Windy Boy moved **HJR 11** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Himmelberger, Koopman, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 502** - Representative Wiseman moved **HB 502** do pass.

**HB 502** - Representative Wiseman moved **HB 502**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "CONDUCTED"

**Insert:** "WITH RESPECT TO A MANAGER OF A FACILITY"

**Following:** "CONDUCTED FOR"

**Insert:** "WHICH"

2. Title, line 6.

**Following:** "CONSUMPTION"

**Insert:** "IS BEING SOUGHT"

3. Title, line 6 through line 8.

**Strike:** "REQUIRING" on line 6 through "CONSUMPTION;" on line 8

**Insert:** "CLARIFYING THE REQUIREMENT FOR ADDITIONAL FINGERPRINTING AND BACKGROUND CHECKS WITH RESPECT TO A LICENSE FOR OFF-PREMISES CONSUMPTION;"

4. Title, line 8.

**Strike:** "SECTIONS 16-4-115 AND"

**Insert:** "SECTION"

5. Page 1, line 13 through page 2, line 6.

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**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

6. Page 2, line 9.

**Following:** "applicants"

**Insert:** "-- exceptions"

**Following:** "applicants."

**Insert:** "(1)"

7. Page 2, line 9 through line 10.

**Strike:** "for an" on line 9 through "16-4-115" on line 10

**Insert:** "as provided in subsections (2) and (3)"

8. Page 2, following line 15.

**Insert:** " (2) (a) When the applicant is seeking a license for off-premises consumption, the following persons are subject to the fingerprint and background check described in subsection (1):

(i) the applicant;

(ii) a person designated by the applicant as responsible for operating the licensed establishment on behalf of the licensee; or

(iii) if the applicant is a corporation, each person holding 10% or more of the outstanding stock and each officer and director responsible for operating the licensed establishment.

(b) Additional fingerprint and background checks may be required at renewal only for new persons described in subsection (2)(a).

(c) A change in the form of a licensee's business entity that does not result in any person having a new ownership interest in the business is not grounds for the department to require a fingerprint or background check.

(3) When the applicant is seeking a license for off-premises consumption, a person employed by the applicant as a manager is not subject to the fingerprint and background check described in subsection (1)."

9. Page 2, line 17 through line 19.

**Strike:** section 3 in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 502** - Representative Wiseman moved **HB 502**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hendrick, Lake, Ross.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Lange.  
Total 1

**HJR 22** - Representative Peterson moved **HJR 22** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Cohenour, Dowell, Driscoll, Everett, Facey, Franklin, Gallik, Glaser, Golie, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.  
Total 77

Noes: Bixby, Buzzas, Caferro, Campbell, Clark, Dickenson, Eaton, Furey, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Harris, Jacobson, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Wanzenried, Windham, Windy Boy, Wiseman.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 29** - Representative Rice moved **HJR 29** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dowell, Driscoll, Everett, Franklin, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 70

Noes: Becker, Bixby, Buzzas, Caferro, Callahan, Clark, Dickenson, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Noonan, Parker, Raser, Wanzenried, Windy Boy, Wiseman.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



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**HB 672** - Representative Butcher moved **HB 672** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

**HB 681** - Representative Raser moved **HB 681** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Butcher, Stahl.

Total 2

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

**HB 746** - Representative Klock moved **HB 746** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: Lenhart.  
Total 1

**HB 747** - Representative Driscoll moved **HB 747** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Gallik, Jayne, Jent, Keane, Sinrud.  
Total 5

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

Representative Jackson moved consideration of **HB 435** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 628** - Representative Clark moved **HB 628** do pass.

**HB 628** - Representative Butcher moved **HB 628**, second reading copy, be amended as follows:

1. Page 1, line 17.

**Strike:** "who must be representatives from"

**Insert:** "from a list of nominees provided by programs, as defined in [section 2], of"

2. Page 1, line 17 through line 18.

**Strike:** "of programs as defined in [section 2]"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Buzzas, Caferro, Cohenour, Hiner, Kaufmann, Villa, Wilson.  
Total 7

Excused: None.

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Total 0

Absent or not voting: Branae, Parker.

Total 2

**HB 628** - Representative Himmelberger moved for cloture on the amendment to **HB 628**. Motion carried by voice vote.

**HB 628** - Representative Clark moved **HB 628**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: D. Brown, Buzzas, Caferro, Dickenson, Franklin, Galvin-Halcro, Hawk, Henry, Jayne, Juneau, Kaufmann, Keane, Koopman, Mendenhall, Ripley, Sinrud, Wagman, Witt.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 704** - Representative Windy Boy moved **HB 704** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Malcolm, Mendenhall, Milburn, Morgan.

Total 6

Excused: None.

Total 0

Absent or not voting: Gutsche, Sonju.

Total 2

**HB 310** - Representative Glaser moved **HB 310** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Lake, Lambert, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 77

Noes: Bixby, Butcher, Buzzas, Everett, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Juneau, Kaufmann, Koopman, Lange, Lenhart, Rice, Sales, Sinrud, Stahl, Ward, Warden, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Branae, Campbell.

Total 2

Representative Wanzenried moved consideration of **HB 555** be passed for the day. Motion carried.

**HB 630** - Representative Mendenhall moved **HB 630** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 82

Noes: Becker, Buzzas, Caferro, Campbell, Dowell, Gallik, Golie, Groesbeck, Hamilton, Henry, Jent, Kaufmann, Keane, Noonan, Sesso, Wells, Windy Boy.

Total 17

Excused: None.

Total 0

Absent or not voting: Ward.

Total 1

**HB 678** - Representative Cohenour moved **HB 678** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 726** - Representative Gutsche moved **HB 726** do pass. Motion carried as follows:

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Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Arntzen, Balyeat, R. Brown, Everett, Hendrick, Himmelberger, Jayne, Koopman, Rice, Ripley, Sales, Sinrud, Stoker, Wagman, Wells, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 705** - Representative Parker moved **HB 705** do pass. Motion **failed** as follows:

Ayes: Andersen, Bergren, Branae, R. Brown, Butcher, Callahan, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Harris, Heinert, Himmelberger, Jackson, Jacobson, Lange, Lindeen, MacLaren, McAlpin, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Ward, Wells, Wilson, Windham.  
Total 43

Noes: Arntzen, Balyeat, Barrett, Becker, Bixby, D. Brown, Buzzas, Caferro, Campbell, Clark, Driscoll, Everett, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Hiner, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Musgrove, Noonan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Wanzenried, Warden, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 57

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 435** - Representative Branae moved **HB 435** do pass.

**HB 435** - Representative Jackson moved **HB 435**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 435** - Representative Sales moved **HB 435**, second reading copy, be amended as follows:

1. Title, page 1, line 13.  
**Strike:** "BEST AND BRIGHTEST"

2. Title, page 1, line 20.  
**Strike:** "BEST AND BRIGHTEST"

3. Page 2, line 4.  
**Strike:** "Best and Brightest"

4. Page 2, line 13.  
**Strike:** "Best and Brightest"

5. Page 2, line 15.  
**Strike:** "best and brightest"

6. Page 2, line 16.  
**Strike:** "best and brightest"

7. Page 3, line 17.  
**Strike:** "best and brightest"

8. Page 4, line 1.  
**Strike:** "best and brightest"

9. Page 4, line 2.  
**Strike:** "best and brightest"

10. Page 4, line 10.  
**Strike:** "best and brightest"

11. Page 4, line 18.  
**Strike:** "best and brightest"

12. Page 4, line 22.  
**Strike:** "best and brightest"

13. Page 5, line 23.  
**Strike:** "best and brightest"

14. Page 7, line 2.  
**Strike:** "BEST AND BRIGHTEST"

15. Page 9, line 1.  
**Strike:** "best and brightest"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson,

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Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Himmelberger moved consideration of **HB 435** be passed for the day. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Clark, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Ripley, Roberts, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Witt.

Total 37

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Musgrove, Noonan, Parker, Raser, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 435** - Representative Branae moved **HB 435**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 78

Noes: Balyeat, Butcher, Everett, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, Maedje, Malcolm, McNutt, Mendenhall, Morgan, Rice, Ripley, Ross, Stahl, Stoker, Wagman, Waitschies, Witt.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Driscoll, Eaton, Everett, Facey, Furey, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Warden, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Campbell, Cohenour, Dowell, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Henry, Himmelberger, Jackson, Kaufmann, Koopman, McAlpin, Sales, Wanzenried, Wells, Wilson, Windham.

Total 20

Excused: None.

Total 0

Absent or not voting: Waitschies, Ward.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 376** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Everett, Facey, Hawk, Heinert, Hendrick, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.

Total 36

Excused: None.

Total 0

Absent or not voting: Driscoll, Sonju.

Total 2

**HB 418** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt,



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Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**HB 429** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 45

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**HB 450** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 492** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Bixby, Caferro, Callahan, Dickenson, Galvin-Halcro, Windham.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 520** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 78

Noes: R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Lange, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.

Total 21

Excused: None.

Total 0

Absent or not voting: McGillvray.

Total 1

**HB 537** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 556** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 557** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 559** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Groesbeck, Hiner, Kaufmann, Keane, Noonan, Sesso, Villa, Windham.

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Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 564** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Barrett, D. Brown, Buzzas, Dickenson, Golie, Koopman, Parker, Sales.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 567** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, Mendenhall, Musgrove, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Wells, Witt.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 574** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 71

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Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Juneau, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, Mendenhall, B. Olson, Rice, Ripley, Stahl, Stoker, Wagman, Waitschies, Ward, Warden, Witt.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 590** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Sales, Stoker.

Total 3

Excused: None.

Total 0

Absent or not voting: Caferro.

Total 1

**HB 598** passed as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, Jopek, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 69

Noes: Andersen, Arntzen, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Hendrick, Jayne, L. Jones, W. Jones, Juneau, Koopman, Lake, Lambert, Lange, MacLaren, McKenney, Morgan, Rice, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Witt.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 612** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau,

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Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 615** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 623** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 631** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 636** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, D. Brown, Groesbeck, Koopman, Malcolm, Mendenhall, Morgan, Sales, Sinrud, Sonju, Ward.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 638** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Campbell, Gallik, Keane, Ward.

Total 4

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 647** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 76

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Eaton, Gallik, Galvin-Halcro, Golie, Groesbeck, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, McAlpin, Noonan, Parker, Sesso, Wilson, Windham.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 684** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Campbell, Cohenour, Eaton, Jayne, Juneau.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 701** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86



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Noes: D. Brown, R. Brown, Heinert, Jackson, Jayne, W. Jones, Lake, McGillvray, Sales, Sinrud, Sonju, Wagman, Wells.

Total 13

Excused: None.

Total 0

Absent or not voting: Driscoll.

Total 1

**HB 709** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 743** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Sales.

Total 1

Excused: None.

Total 0

Absent or not voting: Harris, Lindeen.

Total 2

**HJR 13** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock,

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Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 92

Noes: Barrett, Jackson, Malcolm, A. Olson, Ripley, Ross, Wagman, Witt.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 16** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Bergren, Heinert, Koopman, Lake, Sales, Sinrud, Wagman, Wells.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Henry.  
Total 1

**HJR 17** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sales, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 18** adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Callahan, Clark, Cohenour, Driscoll, Eaton, Everett, Franklin, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.

Total 75

Noes: Bixby, Branae, Buzzas, Caferro, Campbell, Dickenson, Dowell, Facey, Furey, Gallik, Galvin-Halcro, Gutsche, Hamilton, Harris, Henry, Jayne, Juneau, Kaufmann, Malcolm, Raser, Ross, Small-Eastman, Wanzenried, Windy Boy.

Total 24

Excused: None.

Total 0

Absent or not voting: Windham.

Total 1

**HJR 19** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Barrett, Butcher, Gallik, Jackson, Koopman, Malcolm, Morgan, Rice, Sales, Sinrud, Warden, Wells, Windham.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 24** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: D. Brown, Ward.

Total 2

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Excused: None.  
Total 0

Absent or not voting: Campbell.  
Total 1

**MOTIONS**

Dem. Leader Wanzenried moved to re-refer the following bills to the House Appropriations Committee: HB 263, HB 440, HB 589, HB 672, HB 435, HB 628, and HB 704. Without objection, so ordered.

Dem. Leader Wanzenried moved to re-refer HB 654 and HB 679 from the Federal Relations, Energy, and Telecommunications Committee to the Business and Labor Committee. Without objection, so ordered.

Rep. Furey moved that HJR 14 be withdrawn from the Business and Labor Committee and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Clark moved that HB 560 be withdrawn from the Fish, Wildlife, and Parks Committee and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Rep. Wiseman moved that HB 544 be withdrawn from the Fish, Wildlife, and Parks Committee and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Ripley.  
Total 1

Rep. Cohenour moved that HB 52 as amended be withdrawn from the Transportation Committee and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Lange moved that HB 722 be withdrawn from the Federal Relations, Energy, and Telecommunications Committee and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Dowell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

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Noes: Arntzen, Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noonan, Parker, Raser, Rice, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

Rep. Buzzas moved that HB 332 be withdrawn from the Appropriations Committee and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Sinrud moved the House reconsider its action on HB 342 on February 21, 2005, and place HB 342 on 2nd Reading on Tuesday, February 22, 2005. Speaker Matthews stated this requires a majority vote. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Clark, Cohenour, Dowell, Everett, Glaser, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt.

Total 58

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Noennig, Noonan, A. Olson, B. Olson, Ripley, Sesso, Small-Eastman, Stahl, Villa, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 702. There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Tuesday, February 22, 2005. Motion carried.

House adjourned at 5:08 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 22, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana  
February 22, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by a constituent of Rep. Kauffman, Loran Yonton. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Speaker Matthews to Sen. President Tester informing him that he has appointed Rep. Eve Franklin and Rep. Gordon Hendrick to a Joint Select Committee on Mental Health.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/22/2005  
Correctly engrossed: **HB 61, HB 69, HB 91, HB 332, HB 374, HB 435, HB 470, HB 502, HB 507, HB 628, HB 652, HB 661, HB 683, HB 688, HB 693, HB 698, HB 707, HJR 7, HJR, 30.**  
Delivered to the Secretary of State at 8:25 a.m., February 22, 2005: **HR 2.**

MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence: 2/22/2005

**SB 143**, introduced by Laible  
**SB 285**, introduced by Story  
**SB 289**, introduced by Laible  
**SB 294**, introduced by Hawks  
**SB 304**, introduced by Kitzenberg  
**SB 317**, introduced by Lind  
**SB 339**, introduced by Joe Balyeat  
**SB 347**, introduced by Lind  
**SB 349**, introduced by Cocchiarella  
**SB 354**, introduced by Gallus  
**SB 356**, introduced by Essmann  
**SB 357**, introduced by Squires  
**SB 377**, introduced by Wheat  
**SB 381**, introduced by Moss  
**SB 410**, introduced by Gallus  
**SB 411**, introduced by Keenan  
**SB 412**, introduced by Cocchiarella  
**SB 418**, introduced by Hawks  
**SB 434**, introduced by Lewis  
**SB 456**, introduced by Laible  
**SB 466**, introduced by Esp  
**SB 470**, introduced by Harrington  
**SB 472**, introduced by Perry

**Senate joint resolutions** passed and transmitted to the House for concurrence: 2/22/2005

**SJR 17**, introduced by Lind  
**SJR 18**, introduced by Toole



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**SJR 19**, introduced by Elliott  
**SJR 21**, introduced by Roush  
**SJR 22**, introduced by Pease  
**SJR 23**, introduced by Elliott

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 758**, introduced by McNutt, Maedje, L. Jones, Larson, Roush, Curtiss, A. Olson, Peterson, Matthews, Steinbeisser, Witt, Klock, O'Neil, Story, referred to Taxation.  
**HB 759**, introduced by Koopman, referred to Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 50**, introduced by McGee, referred to Federal Relations, Energy, and Telecommunications.  
**SB 51**, introduced by Hansen, referred to Agriculture.  
**SB 53**, introduced by Squires, referred to State Administration.  
**SB 54**, introduced by Squires, referred to State Administration.  
**SB 55**, introduced by Tash, referred to Fish, Wildlife and Parks.  
**SB 56**, introduced by McGee, referred to State Administration.  
**SB 57**, introduced by Laible, referred to Education.  
**SB 58**, introduced by Barkus, referred to Appropriations.  
**SB 61**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 62**, introduced by Perry, referred to State Administration.  
**SB 64**, introduced by Brueggeman, referred to Business and Labor.  
**SB 67**, introduced by Cromley, referred to Judiciary.  
**SB 68**, introduced by Joe Balyeat, referred to Taxation.  
**SB 69**, introduced by Cobb, referred to State Administration.  
**SB 70**, introduced by Cocchiarella, referred to Taxation.  
**SB 73**, introduced by Mangan, referred to State Administration.  
**SB 74**, introduced by Story, referred to Taxation.  
**SB 75**, introduced by Harrington, referred to Taxation.  
**SB 76**, introduced by Laslovich, referred to Fish, Wildlife and Parks.  
**SB 77**, introduced by Hansen, referred to Fish, Wildlife and Parks.  
**SB 78**, introduced by Harrington, referred to Business and Labor.  
**SB 79**, introduced by Tropila, referred to Transportation.  
**SB 80**, introduced by Perry, referred to Judiciary.  
**SB 81**, introduced by Stapleton, referred to State Administration.  
**SB 82**, introduced by Cobb, referred to Human Services.  
**SB 83**, introduced by Roush, referred to Federal Relations, Energy, and Telecommunications.  
**SB 84**, introduced by Squires, referred to Business and Labor.  
**SB 85**, introduced by Squires, referred to Taxation.  
**SB 86**, introduced by Smith, referred to Human Services.  
**SB 87**, introduced by Elliott, referred to Taxation.  
**SB 91**, introduced by Smith, referred to Fish, Wildlife and Parks.  
**SB 92**, introduced by Toole, referred to Taxation.  
**SB 93**, introduced by Cobb, referred to Appropriations.  
**SB 94**, introduced by Cromley, referred to Judiciary.  
**SB 95**, introduced by Roush, referred to Natural Resources.  
**SB 96**, introduced by Gebhardt, referred to Natural Resources.  
**SB 97**, introduced by Barkus, referred to Natural Resources.  
**SB 98**, introduced by Tropila, referred to State Administration.  
**SB 99**, introduced by Mangan, referred to Business and Labor.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.

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Speaker Matthews stated the House will stand at ease until 8:30 a.m.

**SECOND READING  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 555** - Representative Caferro moved **HB 555** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Everett, Hawk, Jackson, W. Jones, Koopman, Lake, MacLaren, Maedje, Mendenhall, Morgan, Rice, Ross, Sales, Wells.

Total 14

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved consideration of **HB 342** be placed below **HB 507** on the second reading board. Motion carried.

Representative Parker moved consideration of **HB 552** be placed below **HB 456** on the second reading board. Motion carried.

Rep. Wanzenried moved consideration of **HB 585** be moved to the bottom of the board. Motion carried.

Representative R. Brown moved consideration of **HB 61** be placed below **HB 581** on the second reading board. Motion carried.

**HB 69** - Representative Barrett moved **HB 69** do pass.

**HB 69** - Representative Barrett moved **HB 69**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 8.

**Strike:** "PROVIDING" on line 5 through "CONSERVATION;" on line 8

2. Page 2, line 1 through line 22.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

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3. Page 7, line 27.

**Strike:** "4"

**Insert:** "3"

4. Page 7, line 29.

**Strike:** "4"

**Insert:** "3"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**HB 69** - Representative Barrett moved **HB 69**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Gallik, Hamilton.

Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: Furey, Lange, Warden.

Total 3

**HB 141** - Representative A. Olson moved **HB 141** do pass.

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**HB 141** - Representative Gallik moved **HB 141**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 53

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 141** - Representative A. Olson moved **HB 141** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Campbell, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Windy Boy, Witt, Mr. Speaker.  
Total 51

Noes: Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Koopman, Malcolm, McAlpin, McGillvray, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wells, Wilson, Windham, Wiseman.  
Total 48

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: Becker.  
Total 1

**HB 642** - Representative Golie moved **HB 642** do pass.

**HB 642** - Representative Golie moved **HB 642**, second reading copy, be amended as follows:

1. Page 17, line 26.

**Strike:** "MAY"  
**Insert:** "shall"

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Balyeat, Barrett, Everett, Hawk, Koopman, Malcolm, McNutt, Mendenhall, Rice, Ripley, Sales, Waitschies, Ward, Wells.  
Total 14

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 642** - Representative Lange moved **HB 642**, second reading copy, be amended as follows:

1. Page 2, line 19.

**Strike:** "A"

**Insert:** "Except as provided in [section 12], a"

2. Page 19, line 6.

**Following:** "(1)"

**Insert:** "(1)"

3. Page 19, line 9.

**Strike:** "(1)"

**Insert:** "(a)"

4. Page 19, line 11.

**Strike:** "(2)"

**Insert:** "(b)"

5. Page 19, line 13.

**Strike:** "(3)"

**Insert:** "(c)"

6. Page 19, line 14.

**Strike:** "(4)"

**Insert:** "(d)"

7. Page 19, line 16.

**Strike:** "(5)"

**Insert:** "(e)"

8. Page 19, line 18.

**Strike:** "(6)"

**Insert:** "(f)"

9. Page 19, line 20.

**Strike:** "(7)"

**Insert:** "(g)"

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10. Page 19, line 22.

**Strike:** "(8)"

**Insert:** "(h)"

11. Page 19.

**Following:** line 25

**Insert:** "(2) A local supply entity shall establish electricity rates that:

(a) are just and reasonable;

(b) may not be higher than current default supply rates established by the public service commission under Title 69, chapter 8; and

(c) may not be augmented by taxes or fees."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Cohenour, Dowell, Everett, Facey, Furey, Gallik, Glaser, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Jent, L. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

Total 68

Noes: Becker, Bergren, Bixby, Branae, Callahan, Clark, Dickenson, Driscoll, Eaton, Franklin, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Henry, Hiner, Jackson, Jacobson, W. Jones, Jopek, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wilson, Wiseman.

Total 32

Voted Absentee: Small-Eastman, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 642** - Representative Golie moved **HB 642**, as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Klock, Lambert, Lenhart, Lindeen, McKenney, Milburn, Musgrove, Noonan, Parker, Peterson, Ross, Small-Eastman, Stahl, Villa, Wilson, Wiseman.

Total 42

Noes: Arntzen, Barrett, D. Brown, R. Brown, Buzzas, Caferro, Cohenour, Everett, Facey, Furey, Gallik, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, Kaufmann, Keane, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

Total 58

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 151** - Representative Galvin-Halcro moved **HB 151** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, Koopman, Lake, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.  
Total 38

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Heinert, Taylor.  
Total 2

**HB 387** - Representative Juneau moved **HB 387** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Wiseman.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 52

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Lindeen, Wilson.  
Total 2

**HB 389** - Representative A. Olson moved **HB 389** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Koopman, Lambert, Lange, McAlpin, McKenney, Milburn, Musgrove, Parker, Raser, Sales, Sinrud, Small-Eastman, Wanzenried, Warden, Wilson,

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Windham, Wiseman.  
Total 49

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**HB 470** - Representative Clark moved **HB 470** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 76

Noes: Andersen, Balyeat, Barrett, Hawk, Jackson, Koopman, Lake, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sinrud, Taylor, Wagman, Waitschies, Wells.  
Total 24

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 490** - Representative Stoker moved **HB 490** do pass. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Everett, Gallik, Groesbeck, Hawk, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lange, MacLaren, McAlpin, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Witt.  
Total 30

Noes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 507** - Representative L. Jones moved **HB 507** do pass.



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**HB 507** - Representative L. Jones moved **HB 507**, second reading copy, be amended as follows:

1. Page 2, line 3.

**Strike:** "the sum of at least"

**Insert:** "up to"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Driscoll, Furey, Himmelberger, Small-Eastman.

Total 4

**HB 507** - Representative L. Jones moved **HB 507**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 342** - Representative Wanzenried moved **HB 342** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Campbell, Eaton, Everett, Glaser, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt.

Total 55

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Noes: Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Sesso, Villa, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 44

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Stoker.  
Total 1

**HB 581** - Representative Gutsche moved **HB 581** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 43

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 61** - Representative D. Brown moved **HB 61** do pass.

**HB 61** - Representative D. Brown moved **HB 61**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 13.

**Strike:** "ACKNOWLEDGES" on line 6 through "PARTICIPANT" on line 13

**Insert:** "ASSUMES THE INHERENT RISKS IN THAT SPORT OR RECREATIONAL OPPORTUNITY AND IS RESPONSIBLE FOR INJURIES AND DAMAGES RESULTING FROM THOSE INHERENT RISKS; LIMITING THE LIABILITY OF THE PROVIDERS OF A SPORT OR RECREATIONAL OPPORTUNITY; CLARIFYING THAT A PROVIDER IS NOT REQUIRED TO ELIMINATE, ALTER, OR CONTROL THE INHERENT RISKS WITHIN A PARTICULAR SPORT OR RECREATIONAL OPPORTUNITY"

2. Page 1, line 18 through line 19.

**Strike:** line 18 through line 19

3. Page 1, line 20.

**Strike:** "KNOWINGLY"

4. Page 1, line 23 through page 24.

**Strike:** "ENSURING" on line 23 through "THE" on line 24

**Insert:** "discouraging claims based on damages resulting from"

**Strike:** "AND THUS DISCOURAGING CLAIMS" on line 24

5. Page 1, line 26.

**Strike:** "ELIMINATING"

**Insert:** "controlling"

**Following:** "and"

**Insert:** "; and"

WHEREAS, the liability of providers of recreational opportunities should be limited to negligence that is not associated with the inherent risks of a sport or recreational activity

6. Page 2, line 1 through page 5, line 17.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Short title -- purpose. (1) [Sections 1 through 4] may be cited as the "Montana Recreation Responsibility Act".

(2) The legislature finds that sports and recreational activities are major industries in Montana and that among the attractions of sports and recreation are risks, inherent and otherwise. The state has a legitimate interest in maintaining the economic viability of the sports and recreational industries by discouraging claims based on damages resulting from risks inherent in sports and recreation.

(3) The purpose of [sections 1 through 4] is to limit or eliminate the liability of a provider of a sport or recreational opportunity to a sport or recreational participant when an injury or damage caused by or to the participant is the result of risks inherent in the sport or recreational opportunity.

(4) The legislature intends that [sections 1 through 4] be broadly construed to effectuate the purpose of [sections 1 through 4] to shield providers of a sport or recreational opportunity from liability for injuries and damages caused by the inherent risks of a recreational activity."

**Insert:** "NEW SECTION. Section 2. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Inherent risks" means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of any sport or recreational activity.

(2) "Provider" means a person or governmental entity that promotes, offers, or conducts a sport or recreational opportunity, for profit or otherwise.

(3) "Sport or recreational opportunity" means any commonly understood sporting activity, whether undertaken with or without permission, including but not limited to baseball, softball, soccer, basketball, bicycling, hiking, swimming, boating, hockey, dude ranching, nordic or alpine skiing, snow boarding, snow sliding, mountain climbing, river floating, whitewater rafting, canoeing, kayaking, target shooting, hunting, fishing, backcountry trips, horseback riding and other equine activity, snowmobiling, off-highway vehicle use, and any similar recreational activity."

**Insert:** "NEW SECTION. Section 3. Limitation on liability in sport or recreational opportunity. (1) A person who participates in any sport or recreational opportunity assumes the inherent risks in that sport or recreational opportunity, whether those risks are known or unknown, and is legally responsible for all injury or death to the person and for all damage to the person's property that result from the inherent risks in that sport or recreational opportunity.

(2) A provider is not required to eliminate, alter, or control the inherent risks within the particular sport or recreational opportunity that is provided.

(3) [Sections 1 through 4] do not preclude an action based on the negligence of the provider if the injury, death, or damage is not the result of an inherent risk of the sport or recreational opportunity.

(4) [Sections 1 through 4] do not apply to a cause of action based on the design or manufacture of sports or recreational equipment or products or safety equipment used incidental to or required by the sport or recreational activity."

**Insert:** "NEW SECTION. Section 4. Recreational activity -- applicability exceptions. [Sections 1 through 3] do not apply to duties, responsibilities, liability, or immunity related to:

(1) recreational use of waters or land, as provided in 23-2-321;

(2) snowmobiling, as provided in 23-2-653 and 23-2-654;

(3) skiing, as provided in 23-2-733 through 23-2-736;

(4) off-highway vehicle operation, as provided in 23-2-822;

(5) instruction in firearms and hunter safety or hunter education, as provided in 27-1-721;

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- (6) equine activity, as provided in 27-1-727;
- (7) sponsored rodeo and similar events, as provided in 27-1-733;
- (8) amusement rides, as provided in 27-1-743 and 27-1-744;
- (9) recreational use of land, as provided in 23-2-907, 70-16-302, 77-1-805, 87-1-266, 87-1-267, and 87-1-286;
- (10) wildcrafting, as provided in 76-10-106; and
- (11) placement of a sign or marker warning of a hazard in water legally accessible to the public, as provided in 87-1-287."

**Insert: "NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [sections 1 through 4]."

**Insert: "NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert: "NEW SECTION. Section 7. Two-thirds vote required.** Because [section 3] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

**Insert: "NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval."

**Insert: "NEW SECTION. Section 9. Applicability.** [This act] applies to injuries and deaths that occur on or after [the effective date of this act]."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 48

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 61** - Representative D. Brown moved **HB 61**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell,

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Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 48

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Leader Wanzenried moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted.

Representative Parker made a **substitute motion** that **HB 387** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.  
Total 49

Excused: Small-Eastman.  
Total 1

Absent or not voting: A. Olson.  
Total 1

Dem. Leader Wanzenried moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Wiseman.  
Total 46

Excused: Small-Eastman.  
Total 1

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Absent or not voting: A. Olson, Sales.  
Total 2

**ANNOUNCEMENTS**

Announcement of Committee meetings.

Dem. Floor Leader Parker moved the House stand in recess until 1:00 p.m. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):  
**HB 332**, introduced bill, be amended as follows:

2/22/2005

1. Page 1, line 10.  
**Strike:** "\$1.75 million"  
**Insert:** "\$1,185,504"

2. Page 1, line 11.  
**Following:** "fund"  
**Insert:** "for fiscal year 2005"

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 150**, introduced by Keenan, referred to Human Services.  
**SB 151**, introduced by Weinberg, referred to Taxation.  
**SB 153**, introduced by Cobb, referred to Human Services.  
**SB 154**, introduced by Cobb, referred to Human Services.  
**SB 156**, introduced by Cooney, referred to Human Services.  
**SB 160**, introduced by Wheat, referred to State Administration.  
**SB 162**, introduced by Mangan, referred to Local Government.  
**SB 164**, introduced by Gillan, Grinde, Himmelberger, referred to Transportation.  
**SB 165**, introduced by Mangan, referred to Business and Labor.  
**SB 166**, introduced by Black, L. Jones, Arntzen, Witt, Juneau, Roush, referred to Judiciary.  
**SB 168**, introduced by Mangan, referred to Business and Labor.  
**SB 169**, introduced by Gallus, Cooney, referred to Federal Relations, Energy, and Telecommunications.  
**SB 170**, introduced by Mangan, referred to Education.  
**SB 171**, introduced by Gallus, Facey, referred to Education.  
**SB 172**, introduced by Gebhardt, referred to Judiciary.  
**SB 175**, introduced by Cromley, referred to Local Government.  
**SB 177**, introduced by Ryan, referred to Select Committee on Education.  
**SB 178**, introduced by Barkus, Klock, Lewis, Perry, Brueggeman, referred to Agriculture.  
**SB 180**, introduced by Cooney, referred to State Administration.  
**SB 181**, introduced by Steinbeisser, referred to Judiciary.  
**SB 182**, introduced by Gillan, Becker, Branae, Buzzas, Driscoll, Eaton, Golie, Grinde, Keane, Kitzenberg, Lindeen, Matthews, Raser, Schmidt, Wilson, referred to State Administration.  
**SB 183**, introduced by Laible, referred to Business and Labor.  
**SB 184**, introduced by Mangan, referred to Taxation.  
**SB 185**, introduced by Mangan, referred to Local Government.  
**SB 186**, introduced by Joe Balyeat, John Balyeat, Barkus, Black, Curtiss, Gebhardt, Golie, Jackson, Laslovich, Lewis, Maedje, O'Neil, A. Olson, B. Olson, Roush, Shockley, Sinrud, Sonju, Tash, Tester, Tropila, Villa,

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Waitschies, Mendenhall, Facey, Sinrud, Laible, Brueggeman, referred to Fish, Wildlife and Parks.

**SB 187**, introduced by Shockley, referred to Federal Relations, Energy, and Telecommunications.

**SB 188**, introduced by Cocchiarella, referred to Business and Labor.

**SB 189**, introduced by Cocchiarella, referred to Business and Labor.

**SB 191**, introduced by Grimes, referred to State Administration.

**SB 194**, introduced by Laible, referred to Transportation.

**SB 195**, introduced by Wheat, referred to Local Government.

**SB 196**, introduced by Wheat, referred to Judiciary.

**SB 197**, introduced by Gebhardt, referred to State Administration.

**SB 198**, introduced by Kitzenberg, Cooney, Pease, Schmidt, referred to Education.

**SB 199**, introduced by Toole, Schmidt, Laslovich, referred to Judiciary.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 310** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 77

Noes: Bixby, Butcher, Buzzas, Caferro, Campbell, Clark, Everett, Galvin-Halcro, Himmelberger, Jackson, Jayne, W. Jones, Juneau, Kaufmann, Koopman, Lenhart, Rice, Sales, Sinrud, Stahl, Wells.

Total 21

Excused: Small-Eastman.

Total 1

Absent or not voting: Groesbeck.

Total 1

**HB 420** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Bixby, Eaton, Juneau.

Total 3

Excused: Small-Eastman.

Total 1

Absent or not voting: Clark, Windy Boy.

Total 2

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**HB 454** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Driscoll, Everett, Facey, Franklin, Furey, Glaser, Grinde, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 66

Noes: Becker, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Wiseman.  
Total 32

Excused: Small-Eastman.  
Total 1

Absent or not voting: Windy Boy.  
Total 1

**HB 474** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Everett, Glaser, Hawk, Hendrick, Koopman, Lake, Maedje, Mendenhall, Noennig, B. Olson, Rice, Sales, Stoker, Wells.  
Total 14

Excused: Small-Eastman.  
Total 1

Absent or not voting: Windy Boy.  
Total 1

**HB 538 failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt, Mr. Speaker.  
Total 42

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, Noonan, Parker, Raser, Roberts, Sales, Sesso, Sonju, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman.  
Total 56

Excused: Small-Eastman.



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Total 1

Absent or not voting: Windy Boy.

Total 1

**HB 630** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Buzzas, Caferro, Gallik, Golie, Groesbeck, Henry, Kaufmann, Keane, Sesso, Wells, Wilson.

Total 11

Excused: Small-Eastman.

Total 1

Absent or not voting: Windy Boy.

Total 1

**HB 653** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Balyeat, Buzzas, Gallik, Kaufmann, Sinrud.

Total 5

Excused: Small-Eastman.

Total 1

Absent or not voting: Windy Boy.

Total 1

**HB 668** passed as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Stahl, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.

Total 75

Noes: Arntzen, Balyeat, Barrett, D. Brown, Butcher, Buzzas, Everett, Hawk, W. Jones, Koopman, Lake,

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Malcolm, McKenney, McNutt, B. Olson, Peterson, Rice, Ripley, Sonju, Stoker, Waitschies, Ward, Witt.  
Total 23

Excused: Small-Eastman.  
Total 1

Absent or not voting: Windy Boy.  
Total 1

**HB 678** passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Andersen, Taylor.  
Total 2

Excused: Small-Eastman.  
Total 1

Absent or not voting: Windy Boy.  
Total 1

**HB 681** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Butcher, Stahl.  
Total 2

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 712** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, R. Brown, Butcher, Buzzas, Campbell, Clark, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje,

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Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 82

Noes: Bergren, D. Brown, Caferro, Callahan, Cohenour, Dickenson, Dowell, Eaton, Jayne, Jopek, Juneau, Kaufmann, Musgrove, Stoker, Villa, Windy Boy, Wiseman.  
Total 17

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 726** passed as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Arntzen, Balyeat, Barrett, R. Brown, Himmelberger, Jayne, Koopman, Maedje, Rice, Ripley, Sales, Sinrud, Stahl, Stoker, Wagman, Wells, Witt.  
Total 17

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 730** passed as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.  
Total 50

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 746** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: W. Jones.  
Total 1

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 747** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Jayne, Keane.  
Total 2

Excused: Small-Eastman.  
Total 1

Absent or not voting: Lange, Stahl.  
Total 2

**HJR 11** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Juneau, Koopman, Sales.  
Total 3

Excused: Small-Eastman.

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Total 1

Absent or not voting: None.

Total 0

**HJR 22** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Callahan, Campbell, Cohenour, Driscoll, Everett, Facey, Franklin, Furey, Glaser, Golie, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 72

Noes: Bixby, D. Brown, Buzzas, Caferro, Clark, Dickenson, Dowell, Eaton, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Jacobson, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Parker, Raser, Wanzenried, Windham, Windy Boy, Wiseman.

Total 27

Excused: Small-Eastman.

Total 1

Absent or not voting: None.

Total 0

**HJR 29** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Clark, Cohenour, Everett, Franklin, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 67

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Noonan, Parker, Raser, Windy Boy, Wiseman.

Total 32

Excused: Small-Eastman.

Total 1

Absent or not voting: None.

Total 0

**HB 702** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

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Noes: Bixby, Eaton, Jayne, Juneau, Stahl, Stoker.  
Total 6

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Maedje in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 591** - Representative Jopek moved **HB 591** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 80

Noes: Andersen, Barrett, R. Brown, Butcher, Hawk, Himmelberger, Koopman, Lambert, Lange, McGillvray, McKenney, A. Olson, B. Olson, Rice, Stahl, Stoker, Villa, Waitschies, Witt.  
Total 19

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 609** - Representative Taylor moved **HB 609** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 84

Noes: Bixby, Campbell, Cohenour, Franklin, Gallik, Hamilton, Jacobson, Jayne, Juneau, Noennig, Raser, Small-Eastman, Stoker, Villa.  
Total 14

Voted Absentee: Small-Eastman, No.

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Excused: None.  
Total 0

Absent or not voting: Wagman, Mr. Speaker.  
Total 2

**HB 624** - Representative Villa moved **HB 624** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Everett, Hawk, Himmelberger, Lake, Malcolm, McKenney, Mendenhall, Rice, Sales, Stoker, Waitschies, Ward, Wells.  
Total 13

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 666** - Representative Bergren moved **HB 666** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Stoker.  
Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Glaser, Lindeen.  
Total 2

Representative R. Brown moved consideration of **HB 683** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 685** - Representative R. Brown moved **HB 685** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 49

Voted Absentee: Small-Eastman, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Golie moved consideration of **HB 688** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 696** - Representative Jayne moved **HB 696** do pass. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 71

Noes: Andersen, Arntzen, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, Malcolm, McKenney, Milburn, B. Olson, Peterson, Ross, Sales, Sonju, Stahl, Stoker, Waitschies, Ward, Warden, Wells, Witt.

Total 28

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

**HB 700** - Representative Mendenhall moved **HB 700** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson,



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Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Caferro.  
Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 725** - Representative Klock moved **HB 725** do pass. Motion **failed** as follows:

Ayes: Arntzen, Barrett, Everett, Gallik, Heinert, Jackson, Jent, W. Jones, Klock, Lenhart, MacLaren, McGillvray, A. Olson, Rice, Ripley, Roberts, Waitschies, Wells, Windy Boy, Mr. Speaker.  
Total 20

Noes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, Jopek, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt.  
Total 79

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: Juneau.  
Total 1

Representative Golie moved consideration of **HB 688** be placed at the top of the second reading board. Motion carried.

**HB 688** - Representative Franklin moved **HB 688** do pass.

**HB 688** - Representative Golie moved **HB 688**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "BILLINGS"

**Insert:** "THE INTERSECTION OF MONTANA HIGHWAY 3 AND U.S. HIGHWAY 89 AT ARMINGTON"

2. Page 1, line 23.

**Strike:** "boundary of the city of Billings"

**Insert:** "intersection of Montana highway 3 and U.S. highway 89 at Armington"

3. Page 1, line 24.

**Strike:** "Billings"

**Insert:** "the intersection of Montana highway 3 and U.S. highway 89 at Armington"

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Butcher, Everett, L. Jones, Lange, Sales, Sinrud, Sonju, Stahl, Stoker.  
Total 9

Excused: Small-Eastman.  
Total 1

Absent or not voting: Warden.  
Total 1

**HB 688** - Representative Franklin moved **HB 688**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Andersen, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, McNutt, Morgan, A. Olson, Peterson, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 34

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 683** - Representative D. Brown moved **HB 683** do pass.

**HB 683** - Representative Keane moved **HB 683**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "THE DEPARTMENT OF TRANSPORTATION"

**Insert:** "LAW ENFORCEMENT OFFICERS"

2. Page 2, line 2.

**Strike:** "department" through "transportation's"

3. Page 2, line 25 through line 26.

**Strike:** subsection (1) in its entirety

**Insert:** "(1) A semiannual inspection of school buses must be performed by a law enforcement officer, as defined in 7-32-201. One of the inspections must be performed at least 30 days prior to the beginning of

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the school term and a reinspection, if necessary, must be performed before the beginning of the school term."

4. Page 2, line 28.

**Strike:** "department of transportation's"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Buzzas, Callahan, Dickenson, Franklin, Hiner, Jayne, Kaufmann, Lindeen, Stoker, Villa.  
Total 10

Excused: Small-Eastman.  
Total 1

Absent or not voting: Glaser.  
Total 1

**HB 683** - Representative D. Brown moved **HB 683**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Wagman, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Franklin, Gallik, Hiner, Jayne, Jopek, Kaufmann, Lindeen, MacLaren, McAlpin, Raser, Stahl, Stoker, Villa, Waitschies, Wanzenried.  
Total 21

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Campbell, Noonan.  
Total 2

**HB 732** - Representative Roberts moved **HB 732** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A.

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Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jayne, Klock, McKenney, Noonan, Rice, Stoker, Wagman, Witt.  
Total 15

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Hendrick, Sonju.  
Total 2

**HB 737** - Representative McNutt moved **HB 737** do pass.

**HB 737** - Representative L. Jones moved **HB 737**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, A. Olson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Wells, Witt.  
Total 34

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 66

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Wanzenried challenged the amendment and called for a ruling. Chair Himmelberger called for a Rules Committee meeting. The House recessed for the meeting. Ruling of the Chair was upheld.

**HB 737** - Representative McNutt moved **HB 737** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 87

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Noes: Glaser, Hawk, Jackson, W. Jones, Koopman, Lake, Lange, Morgan, Rice, Sales, Ward, Wells, Wiseman.  
Total 13

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 738** - Representative Kaufmann moved **HB 738** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: Balyeat, Everett, Hawk, Heinert, Hendrick, Jackson, Koopman, Rice, Ripley, Sales, Stoker, Waitschies, Witt.  
Total 13

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 21** - Representative Sinrud moved **HJR 21** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 54

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lindeen, Malcolm, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 46

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Dowell moved consideration of **HJR 456** be passed for the day. Motion failed as follows:

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Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Excused: Small-Eastman.  
Total 1

Absent or not voting: Becker, B. Olson.  
Total 2

Representative Bergren moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: R. Brown, Butcher, Everett, Franklin, Jackson, W. Jones, Klock, Koopman, Lange, McKenney, Rice, Sinrud, Stoker, Wagman, Warden.  
Total 15

Excused: Small-Eastman.  
Total 1

Absent or not voting: Gallik, Maedje, McNutt, Waitschies.  
Total 4

**HB 456** - Representative Koopman moved **HB 456** do pass. Motion **failed** as follows:

Ayes: Andersen, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells.  
Total 36

Noes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 64

Voted Absentee: Small-Eastman, No.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 552** be passed for the day. Motion carried.

Representative Parker moved consideration of **HB 585** be passed for the day. Motion carried.

**HB 652** - Representative Cohenour moved **HB 652** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Sinrud, Stahl, Stoker, Wells.  
Total 6

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 707** - Representative Groesbeck moved **HB 707** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Gutsche, Harris, Hendrick, Jayne, Sinrud, Wells.  
Total 6

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House

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resumed. Mr. Speaker in the chair. Chairman Maedje moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Dowell, Jayne, Juneau, Koopman, McGillvray, Sales.  
Total 6

Excused: Small-Eastman.  
Total 1

Absent or not voting: Butcher, Campbell.  
Total 2

**MOTIONS**

Dem. Floor Leader Parker moved HB 241 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved the following bills be re-referred to the House Appropriations Committee: HB 69, HB 151, HB 470, HB 707, HB 700, and HB 342. Without objection, so ordered.

Rep. Kauffman moved to suspend the Rules for the late submission of a Joint Resolution. Speaker Matthews stated this requires a 3/5 vote. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Himmelberger, Koopman, McGillvray, Mendenhall, Ripley, Sales, Sinrud, Wagman, Wells.  
Total 9

Excused: Small-Eastman.  
Total 1

Absent or not voting: Jackson, Maedje.  
Total 2

Rep. Mendenhall moved that HB 368 be withdrawn from the Judiciary Committee, printed, and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Dickenson, Dowell, Everett, Facey, Furey, Glaser, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L.



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Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham.  
Total 61

Noes: Bergren, Bixby, Caferro, Callahan, Clark, Cohenour, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hiner, Jacobson, Jayne, Jent, W. Jones, Juneau, Kaufmann, Keane, Lindeen, McAlpin, Noonan, Parker, Sesso, Stoker, Villa, Wanzenried, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 36

Excused: Small-Eastman.  
Total 1

Absent or not voting: Campbell, Malcolm.  
Total 2

Rep. Gallik moved that HB 579 be withdrawn from the Business and Labor Committee, printed, and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 51

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Buzzas moved that HB 74 be withdrawn from the Education Committee, printed, and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 48

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Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Koopman moved that HB 287 be withdrawn from the Judiciary Committee, printed, and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, D. Brown, R. Brown, Butcher, Campbell, Clark, Everett, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Jopek, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Mendenhall, Milburn, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells.  
Total 35

Noes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 64

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Kaufmann moved to reconsider the action on HB 387 on Tuesday, February 22, 2005, and place on 2nd Reading on February 23, 2005. Speaker Matthews stated this requires a majority vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 50

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Wiseman moved to reconsider the action on HB 685 on Tuesday, February 22, 2005, and place on 2nd Reading on February 23, 2005. Rep. Wiseman withdrew his motion and rose on personal privilege.

Rep. Sales moved that HB 691 be withdrawn from the State Administration Committee, printed, and placed on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Buzzas, Clark, Dowell, Everett, Facey, Gutsche,

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Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, A. Olson, Peterson, Raser, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wiseman, Mr. Speaker.  
Total 47

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Ripley, Roberts, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Witt.  
Total 51

Excused: Small-Eastman.  
Total 1

Absent or not voting: Caferro.  
Total 1

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 645 and HB 660. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Wednesday, February 23, 2005.  
Motion carried.

House adjourned at 6:01 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
February 23, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Jackson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Jent and Small-Eastman, excused. Quorum present.

Speaker Matthews and the House thanked the pages.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 8:35 a.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Senate President Tester to Speaker Matthews stating Sen. Tester has appointed Sen. John Esp and Senator Dan Weinberg to the Joint Select Committee on Mental Health.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/23/2005

SB 43, introduced by Cooney  
SB 114, introduced by Tester  
SB 167, introduced by Mangan  
SB 174, introduced by Kitzenberg  
SB 301, introduced by Story  
SB 335, introduced by Williams  
SB 350, introduced by Cocchiarella  
SB 370, introduced by Squires  
SB 378, introduced by Wheat  
SB 380, introduced by Tester  
SB 383, introduced by Cocchiarella  
SB 384, introduced by Gebhardt  
SB 385, introduced by Esp  
SB 388, introduced by Keenan  
SB 402, introduced by Perry  
SB 407, introduced by Grimes  
SB 415, introduced by Tester  
SB 423, introduced by Laslovich  
SB 426, introduced by Stapleton  
SB 429, introduced by Shockley  
SB 443, introduced by Roush  
SB 447, introduced by Ellingson  
SB 451, introduced by Wheat  
SB 454, introduced by Gebhardt  
SB 459, introduced by Tropila  
SB 461, introduced by Steinbeisser  
SB 462, introduced by Bales  
SB 465, introduced by Laslovich  
SB 478, introduced by Gallus  
SB 479, introduced by Lind

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**SB 481**, introduced by Cocchiarella

**SB 487**, introduced by Pease

**SB 489**, introduced by Lind

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 760**, introduced by McGillvray, Arntzen, Warden, Mendenhall, R. Brown, Klock, Everett, Taylor, John Balyeat, Himmelberger, MacLaren, Koopman, Sinrud, Barrett, Rice, McNutt, Sales, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Matthews in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 368** - Representative Mendenhall moved **HB 368** do pass.

**HB 368** - Representative Mendenhall moved **HB 368**, second reading copy, be amended as follows:

1. Page 1, line 9.

**Strike:** "(1)"

2. Page 1, line 10 through line 12.

**Following:** "4," on line 10

**Insert:** "while"

**Strike:** "covert" on line 10 through "(i)" on line 12

3. Page 1, line 13 through line 20.

**Strike:** ";" on line 13 through "violation" on line 20

4. Page 1, line 20.

**Following:** "violation."

**Insert:** "This section does not prohibit the use of an unmarked police vehicle for other law enforcement purposes, including pursuing and stopping a vehicle for a purpose other than enforcing the provisions of this chapter that cannot be enforced while using a police vehicle that is unmarked. The department of justice shall, during the 2 years following [the effective date of this section], publish the provisions of this section in newspapers in a manner that gives residents of this state reasonable notice of the provisions of this section."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Witt.

Total 56

Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso,

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Small-Eastman, Villa, Wanzenried, Windy Boy, Wiseman, Mr. Speaker.  
Total 43

Voted Absentee: Jent, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: Stahl.  
Total 1

**HB 368** - Representative Mendenhall moved **HB 368**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Campbell, Dowell, Everett, Furey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.  
Total 56

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 44

Voted Absentee: Jent, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Matthews moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Dowell, Eaton, Everett, Furey, Glaser, Grinde, Groesbeck, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: Bergren, Bixby, Branae, Callahan, Clark, Cohenour, Dickenson, Driscoll, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Hiner, Jacobson, Keane, Musgrove, Parker, Sesso, Villa, Wanzenried.  
Total 24

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: Heinert, Henry, Juneau.  
Total 3

**THIRD READING OF BILLS**

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 61 failed** (due to 2/3 vote requirement) as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Wiseman.  
Total 46

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 141 failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Campbell, Glaser, Golie, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, McKenney, McNutt, Milburn, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Wilson, Witt, Mr. Speaker.  
Total 41

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noonan, Parker, Raser, Sales, Sesso, Sinrud, Sonju, Villa, Wagman, Wanzenried, Wells, Windham, Windy Boy, Wiseman.  
Total 57

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 389 passed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Campbell, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 53

Noes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lindeen, Maedje, Musgrove, Noonan, Parker,

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Raser, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 45

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 502** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: Balyeat, Hendrick, Lake, Malcolm, Ross, Sinrud, Stahl, Witt.  
Total 8

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 507** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 555** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn,



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Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: D. Brown, Everett, Hawk, Koopman, MacLaren, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Sonju, Stahl, Wells, Witt.  
Total 15

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 581** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 40

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 591** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Hawk, Himmelberger, Koopman, Lambert, Maedje, McGillvray, McKenney, A. Olson, B. Olson, Rice, Villa, Wagman, Waitschies, Witt.  
Total 19

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 609** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Caferro, Campbell, Cohenour, Gallik, Galvin-Halcro, Groesbeck, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Stoker, Villa, Windy Boy.  
Total 14

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 624** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.  
Total 34

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 652** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Stoker, Wells.  
Total 4

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

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**HB 661** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 54

Noes: Balyeat, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, W. Jones, Jopek, Juneau, Kaufmann, MacLaren, McAlpin, Noennig, Parker, Raser, Roberts, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman.  
Total 44

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HJR 7** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HJR 21** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 55

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lindeen, Malcolm, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 43

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Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 666** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: Clark.  
Total 1

**HB 683** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 79

Noes: Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Franklin, Gallik, Hiner, Jopek, Kaufmann, Lindeen, McAlpin, Stahl, Stoker, Villa, Waitschies, Wanzenried.  
Total 19

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 685** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton,

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Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 688** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Morgan, Peterson, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 34

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 696** passed as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Taylor, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Noes: Andersen, Arntzen, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, A. Olson, B. Olson, Peterson, Ross, Sales, Sonju, Stahl, Stoker, Waitschies, Ward, Warden, Wells, Witt.  
Total 28

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 732** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson,

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Parker, Peterson, Raser, Ripley, Roberts, Ross, Sinrud, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Barrett, R. Brown, Campbell, Everett, Glaser, Hawk, Himmelberger, Keane, McKenney, Noonan, Rice, Sales, Sesso, Sonju, Wagman.  
Total 15

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 737** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Balyeat, Everett, Hawk, Heinert, Jackson, W. Jones, Koopman, Lange, Mendenhall, Morgan, Rice, Sales, Sinrud, Stoker, Wagman, Ward, Wells.  
Total 17

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 738** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Balyeat, Everett, Hawk, Heinert, Jackson, W. Jones, Koopman, Lake, Rice, Ripley, Sales, Sonju, Stoker, Waitschies.  
Total 14

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 645** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Jent, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

**HB 660** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Keane, Wanzenried.

Total 2

Excused: Jent, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HB 368 be re-referred to the Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 3:00 p.m., Tuesday, March 1, 2005. Motion carried.

House adjourned at 9:09 a.m.

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MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



HOUSE JOURNAL  
FORTY-FIFTH LEGISLATIVE DAY - MARCH 1, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
March 1, 2005

House Chambers  
State Capitol

House convened at 3:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Buzzas. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Jent, excused. Quorum present.

Speaker Matthews introduced the following pages: Caitlin Boland, Great Falls; Eugene Burke, Billings; Randi Frydenlund, Shelby; Spencer Garrison, Thompson Falls; Jen Majerus, Saco; Nick Malinak, Kalispell; and Ali Wittach, Bozeman.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):  
Correctly engrossed: **HB 368**.

3/1/2005

MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence:

3/1/2005

**SB 2**, introduced by Laible  
**SB 302**, introduced by Ellingson  
**SB 311**, introduced by Grimes  
**SB 359**, introduced by Story  
**SB 363**, introduced by Williams  
**SB 396**, introduced by Joe Balyeat  
**SB 419**, introduced by Ryan  
**SB 431**, introduced by Barkus  
**SB 435**, introduced by Wheat  
**SB 440**, introduced by Harrington  
**SB 449**, introduced by Roush  
**SB 452**, introduced by Perry  
**SB 457**, introduced by Gebhardt  
**SB 458**, introduced by Gillan  
**SB 460**, introduced by Weinberg  
**SB 468**, introduced by Mangan  
**SB 486**, introduced by Cocchiarella  
**SB 494**, introduced by Bales  
**SB 497**, introduced by Tropila  
**SB 500**, introduced by Cobb  
**SB 503**, introduced by Tropila

**Senate joint resolutions** passed and transmitted to the House for concurrence:

3/1/2005

**SJR 12**, introduced by Kitzenberg  
**SJR 24**, introduced by Barkus  
**SJR 26**, introduced by Curtiss  
**SJR 27**, introduced by Harrington  
**SJR 28**, introduced by Squires

FIRST READING AND COMMITMENT OF BILLS

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The following Senate bills were introduced, read first time, and referred to committees:

**SB 100**, introduced by Mangan, referred to Business and Labor.  
**SB 101**, introduced by Schmidt, referred to Education.  
**SB 102**, introduced by Cromley, referred to Transportation.  
**SB 103**, introduced by Cromley, referred to Business and Labor.  
**SB 104**, introduced by Gillan, Golie, referred to Judiciary.  
**SB 105**, introduced by Cobb, referred to Business and Labor.  
**SB 106**, introduced by Brueggeman, referred to State Administration.  
**SB 107**, introduced by Smith, referred to Natural Resources.  
**SB 108**, introduced by Lewis, referred to Business and Labor.  
**SB 112**, introduced by Harrington, referred to Judiciary.  
**SB 115**, introduced by Tester, referred to Taxation.  
**SB 116**, introduced by Laible, referred to Local Government.  
**SB 117**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 118**, introduced by Wheat, referred to State Administration.  
**SB 119**, introduced by Schmidt, referred to Judiciary.  
**SB 120**, introduced by Keenan, referred to Human Services.  
**SB 121**, introduced by Keenan, referred to Human Services.  
**SB 122**, introduced by Wheat, referred to Judiciary.  
**SB 123**, introduced by Black, referred to Transportation.  
**SB 124**, introduced by Roush, referred to Natural Resources.  
**SB 126**, introduced by Brueggeman, referred to Fish, Wildlife and Parks.  
**SB 127**, introduced by Keenan, referred to Human Services.  
**SB 129**, introduced by Wheat, referred to Local Government.  
**SB 130**, introduced by Ryan, referred to Business and Labor.  
**SB 131**, introduced by Black, referred to Natural Resources.  
**SB 132**, introduced by Cooney, referred to Business and Labor.  
**SB 134**, introduced by Wheat, referred to Business and Labor.  
**SB 135**, introduced by Squires, referred to Business and Labor.  
**SB 136**, introduced by Steinbeisser, referred to Agriculture.  
**SB 137**, introduced by Lewis, referred to Business and Labor.  
**SB 138**, introduced by Weinberg, referred to Natural Resources.  
**SB 139**, introduced by Esp, referred to Judiciary.  
**SB 140**, introduced by Gebhardt, referred to State Administration.  
**SB 141**, introduced by Laible, referred to Judiciary.  
**SB 142**, introduced by Tash, referred to Natural Resources.  
**SB 145**, introduced by Harrington, referred to Natural Resources.  
**SB 149**, introduced by Laslovich, referred to State Administration.  
**SB 293**, introduced by Black, Arntzen, Bergren, Butcher, Dickenson, Franklin, Furey, Gutsche, Hansen, Harris, Henry, Hiner, Kitzenberg, Lindeen, Matthews, Musgrove, Parker, Roush, Sesso, Stahl, Tester, Windham, Witt, referred to Agriculture.

Rep. Lange requested the House stand in recess until 3:25 p.m. The House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will stand in recess until 3:25 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 270** - Representative Lindeen moved **HB 270** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Hawk, Heinert, Himmelberger, Jayne, W. Jones, Juneau, Kaufmann, Koopman, Lambert, Lange, McGillvray, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells.  
Total 27

Voted Absentee: Jent, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 271** - Representative Lindeen moved **HB 271** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Barrett, D. Brown, Butcher, Everett, Hawk, Himmelberger, W. Jones, Koopman, Lake, McGillvray, Rice, Sales, Stahl, Stoker, Wagman, Waitschies.  
Total 16

Voted Absentee: Jent, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 332** - Representative Buzzas moved **HB 332** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: D. Brown, Hawk, Koopman, Sales, Wells.  
Total 5

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Voted Absentee: Jent, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Himmelberger, Juneau, Koopman, Maedje, Sales, Ward, Wells.  
Total 7

Excused: Jent, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Wednesday, March 2, 2005. Motion carried.

House adjourned at 3:41 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
March 2, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Taylor. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

**BUSINESS AND LABOR** (Keane, Chairman):  
**SB 37**, be concurred in. Report adopted.

3/2/2005

MESSAGES FROM THE GOVERNOR

February 23, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 38** sponsored by Representative McNutt, **House Bill 84** sponsored by Representative Kaufmann, **House Bill 193** sponsored by Representative Waitschies, and **House Bill 194** sponsored by Representative Matthews on February 23, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

February 24, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 447** sponsored by Representative Gallik on February 24, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 88**, introduced by Squires, referred to State Administration.  
**SB 143**, introduced by Laible, referred to Natural Resources.  
**SB 200**, introduced by Wheat, McNutt, referred to Judiciary.  
**SB 203**, introduced by Lind, Becker, Henry, Kaufmann, referred to Business and Labor.  
**SB 204**, introduced by Shockley, referred to Judiciary.  
**SB 205**, introduced by Shockley, referred to Judiciary.  
**SB 206**, introduced by Lewis, Keenan, Ward, referred to State Administration.  
**SB 208**, introduced by Perry, referred to Judiciary.  
**SB 209**, introduced by Wheat, referred to Business and Labor.  
**SB 212**, introduced by Esp, Bales, Cooney, Gebhardt, Glaser, Klock, Lambert, Larson, Lewis, Lindeen, Maedje, Matthews, McNutt, Raser, Ripley, Ross, Smith, Steinbeisser, Stoker, Wanzenried, Witt, referred to Natural Resources.  
**SB 214**, introduced by Gebhardt, Barkus, Noennig, referred to Natural Resources.  
**SB 215**, introduced by McGee, referred to Local Government.  
**SB 217**, introduced by Larson, Bergen, Cocchiarella, Cohenour, Jacobson, Keane, Kitzenberg, Lange, Wilson, referred to Business and Labor.  
**SB 221**, introduced by Barkus, Gebhardt, referred to Fish, Wildlife and Parks.  
**SB 222**, introduced by Barkus, referred to Taxation.  
**SB 223**, introduced by Barkus, B. Olson, referred to Fish, Wildlife and Parks.  
**SB 225**, introduced by Cocchiarella, referred to Local Government.  
**SB 229**, introduced by Cobb, referred to Taxation.  
**SB 231**, introduced by Laslovich, referred to Judiciary.  
**SB 233**, introduced by Kitzenberg, Hansen, Lenhart, Smith, Steinbeisser, referred to Natural Resources.  
**SB 235**, introduced by Mangan, Brueggeman, Curtiss, Golie, Himmelberger, Keane, Lewis, McGee, McNutt, Ripley, Roush, Ryan, Steinbeisser, Tash, Tropila, Wagman, Wilson, Witt, A. Olson, referred to Federal Relations, Energy, and Telecommunications.  
**SB 236**, introduced by Lind, Cohenour, referred to Natural Resources.  
**SB 243**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 244**, introduced by Squires, referred to Transportation.  
**SB 245**, introduced by Elliott, referred to Local Government.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 1:25 p.m.

**SECOND READING  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 18** - Representative Juneau moved **HB 18** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie,

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Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Balyeat, D. Brown, Everett, Hawk, Heinert, Jackson, L. Jones, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Dickenson.

Total 1

**HB 201** - Representative Ripley moved **HB 201** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Everett, W. Jones, Koopman, Sales, Sinrud, Stoker, Ward.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 228** - Representative Galvin-Halcro moved **HB 228** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 350** - Representative Butcher moved **HB 350** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Bixby, Buzzas, Galvin-Halcro, Henry, Jayne, Jopek, Juneau, Kaufmann, Musgrove.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 399** - Representative Rice moved **HB 399** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Caferro, Clark, Dickenson, Eaton, Grinde, Hiner, Jopek, Kaufmann, Lenhart, Musgrove, Sesso, Sinrud, Windy Boy.  
Total 13

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 28** - Representative Wanzenried moved **HB 28** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 75

Noes: Andersen, Balyeat, D. Brown, Everett, Hawk, Heinert, Jackson, Klock, Koopman, Lake, Maedje, Malcolm, Morgan, A. Olson, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 25



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Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 463** - Representative Facey moved **HB 463** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: Barrett, Hawk, Koopman, McGillvray, Morgan, Sinrud, Stoker, Wagman, Waitschies, Witt.  
Total 10

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 481** - Representative Lindeen moved **HB 481** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Balyeat, D. Brown, R. Brown, Everett, Koopman, McGillvray, B. Olson, Sales, Sinrud, Stoker, Waitschies.  
Total 11

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 517** - Representative Wiseman moved **HB 517** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson,

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Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Balyeat, R. Brown, Clark, Everett, Hawk, Jackson, W. Jones, Lake, Malcolm, McGillvray, Milburn, Ross, Sales, Sinrud, Stoker, Wagman, Waitschies, Windham, Windy Boy.  
Total 19

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 563** be passed for the day. Motion carried.

**HB 693** - Representative Wells moved **HB 693** do pass.

**HB 693** - Representative Wells moved **HB 693**, second reading copy, be amended.

Amendment not adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 52

Excused: Small-Eastman.  
Total 1

Absent or not voting: Mr. Speaker.  
Total 1

**HB 693** - Representative Wells moved **HB 693** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Clark, Eaton, Everett, Franklin, Furey, Gallik, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 68

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Facey, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Harris, Henry, Jayne, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noennig, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wiseman.  
Total 31

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Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: Hamilton.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Becker, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Furey, Galvin-Halcro, Gutsche, Harris, Jayne, Jopek, Juneau, Kaufmann, Keane, Musgrove, Parker, Raser, Sales, Villa, Wanzenried.  
Total 23

Excused: Small-Eastman.  
Total 1

Absent or not voting: Grinde, Himmelberger, W. Jones, Ward.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 270** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sonju, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 72

Noes: Barrett, Bixby, R. Brown, Caferro, Everett, Hawk, Heinert, Himmelberger, Jayne, Juneau, Kaufmann, Koopman, Lambert, Lange, McGillvray, Rice, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Warden, Wells.  
Total 25

Excused: Small-Eastman.  
Total 1

Absent or not voting: Andersen, Witt.  
Total 2

**HB 271** passed as follows:

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Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Koopman, Lake, McGillvray, Rice, Sales, Stahl, Stoker, Wagman, Waitschies, Wells.  
Total 16

Excused: Small-Eastman.  
Total 1

Absent or not voting: Andersen, Witt.  
Total 2

**HB 332** passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: D. Brown, Hawk, Koopman.  
Total 3

Excused: Small-Eastman.  
Total 1

Absent or not voting: Andersen.  
Total 1

**MOTIONS**

Rep. Gallik moved to suspend the rules for the drafting and introduction of a late resolution. Speaker Matthews stated this requires a 2/3 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Sonju, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 44

Excused: Small-Eastman.

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Total 1

Absent or not voting: Andersen, Witt.

Total 2

Dem. Floor Leader Parker moved to re-refer HB 749 from the Human Services Committee to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer SB 120 from the Human Services Committee to the House Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:30 p.m., Thursday, March 3, 2005. Motion carried.

House adjourned at 3:22 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
March 3, 2005

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Parker. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

Speaker Matthews announced that the Saskatchewan Provincial government delegation was visiting the House. The delegation was paired up with and introduced by the following legislators: Rep. A. Olson with Minister Len Taylor, Rep. Juneau with Minister Maynard Sonntag, Rep. Campbell with Lyle Stewart, and Rep. Waitschies with Michael Chisholm.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/3/2005  
Correctly printed: **SB 37**.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/3/2005  
**SB 23**, be concurred in. Report adopted.  
**SB 50**, be concurred in. Report adopted.  
**SB 83**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman): 3/3/2005  
**HB 34**, do pass. Report adopted.  
**HB 272**, introduced bill, be amended as follows:

1. Title, line 4.  
**Strike:** "GUARANTEEING"  
**Insert:** "PROVIDING 50"

2. Title, line 5.  
**Strike:** "A-3, A-4,"  
**Following:** "B-7"  
**Strike:** ", "

3. Page 1, line 21.  
**Strike:** "A disabled veteran who meets"  
**Insert:** "Disabled veterans who meet"  
**Following:** "be"  
**Strike:** "guaranteed"

4. Page 1, line 22.  
**Strike:** "one deer and one"  
**Insert:** "provided a total of 50 Class B-7 deer A tags, 50 Class B-8 deer B tags, and 50"  
**Following:** "antelope"  
**Strike:** "license"  
**Insert:** "licenses"  
**Following:** "annually"  
**Insert:** ", which may be used"

5. Page 3, line 11 through line 12.  
**Strike:** "is currently" on line 11 through "for" on line 12

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**Insert:** "meets the qualifications in subsection (9) as a result of"

6. Page 3, line 12.

**Strike:** "disability must be issued"

**Insert:** "injury may apply at a fish, wildlife, and parks office for"

7. Page 3, line 14.

**Strike:** "for resident and nonresident hunters, as applicable"

**Following:** " "

**Insert:** "Fifty licenses of each license type must be made available annually."

And, as amended, do pass. Report adopted.

**HB 421**, introduced bill, be amended as follows:

1. Page 1, line 16 through line 17.

**Following:** "license" on line 16

**Strike:** remainder of line 16 through "license" on line 17

**Insert:** ", a Class B-1 nonresident upland game bird license, and a Class B-7 nonresident deer A tag"

2. Page 2, line 6.

**Insert:** "(6) A nonresident child of a resident who has been issued a hunting license pursuant to this section must be accompanied by a licensed resident family member while hunting in the field."

And, as amended, do pass. Report adopted.

**TAXATION** (Waitschies, Chairman):  
**SB 26**, be concurred in. Report adopted.

3/3/2005

**TRANSPORTATION** (Mendenhall, Chairman):  
**SB 79**, be concurred in. Report adopted.

3/3/2005

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 761**, introduced by Noonan, Gallus, Matthews, Tester, Wanzenried, referred to State Administration.

**HB 762**, introduced by John Balyeat, Arntzen, Gebhardt, Curtiss, Wagman, Butcher, Stoker, Joe Balyeat, Keenan, Himmelberger, L. Jones, Lake, R. Brown, Lange, Black, Stapleton, Tash, Bales, McGee, Barkus, Koopman, Taylor, O'Neil, Laible, Ross, Ward, Lewis, Waitschies, Lambert, Warden, Essmann, Barrett, McGillvray, Hendrick, Heinert, Story, Steinbeisser, Brueggeman, Everett, McKenney, Grimes, Sonju, Klock, Perry, Maedje, Mendenhall, Hawk, W. Jones, Shockley, Sales, Sinrud, Wells, McNutt, Jackson, Ripley, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 254**, introduced by Gebhardt, A. Olson, referred to Business and Labor.

**SB 255**, introduced by Gebhardt, A. Olson, Wells, referred to Local Government.

**SB 259**, introduced by Lewis, referred to Agriculture.

**SB 260**, introduced by Perry, referred to Judiciary.

**SB 261**, introduced by Perry, referred to Taxation.

**SB 264**, introduced by Smith, Campbell, Cohenour, Golie, Hansen, Jayne, Kitzenberg, Klock, Pease, Shockley, Small-Eastman, referred to Judiciary.

**SB 265**, introduced by Larson, Bergren, Golie, Harrington, Jacobson, Keane, Kitzenberg, Lange, Lindeen, Tropila, Villa, Wilson, referred to Business and Labor.

**SB 269**, introduced by Wheat, Clark, Ellingson, Golie, Wiseman, referred to Natural Resources.

**SB 274**, introduced by Barkus, referred to Business and Labor.

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**SB 277**, introduced by Steinbeisser, Bales, Black, Kitzenberg, McNutt, Smith, referred to Transportation.  
**SB 278**, introduced by Black, Brueggeman, Cocchiarella, Essmann, referred to Business and Labor.  
**SB 279**, introduced by Moss, referred to Judiciary.  
**SB 282**, introduced by Smith, Caferro, Cocchiarella, Cohenour, Ellingson, Gillan, Hansen, Kitzenberg, Mangan, Pease, Roush, Schmidt, Small-Eastman, Tester, Toole, Tropila, Williams, Windy Boy, referred to Judiciary.  
**SB 285**, introduced by Story, Bergren, referred to Transportation.  
**SB 286**, introduced by Ryan, McGillvray, Musgrove, referred to Business and Labor.  
**SB 288**, introduced by Cooney, referred to State Administration.  
**SB 289**, introduced by Laible, referred to Business and Labor.  
**SB 290**, introduced by Mangan, referred to Local Government.  
**SB 292**, introduced by Barkus, Ryan, referred to Taxation.  
**SB 294**, introduced by Hawks, referred to Local Government.  
**SB 295**, introduced by Gebhardt, referred to State Administration.  
**SB 296**, introduced by Black, Bales, Essmann, Hansen, Roush, Tester, Tropila, Witt, referred to Taxation.  
**SB 298**, introduced by Tropila, Bergren, Golie, Kitzenberg, McNutt, Musgrove, Smith, Stahl, Steinbeisser, referred to Fish, Wildlife and Parks.  
**SB 299**, introduced by Toole, referred to State Administration.  
**SB 301**, introduced by Story, referred to Local Government.  
**SB 302**, introduced by Ellingson, referred to State Administration.  
**SB 304**, introduced by Kitzenberg, referred to Transportation.  
**SB 308**, introduced by O'Neil, referred to Human Services.  
**SB 311**, introduced by Grimes, referred to Business and Labor.  
**SB 312**, introduced by Bales, referred to Fish, Wildlife and Parks.  
**SB 314**, introduced by Larson, Gillan, Lindeen, referred to Agriculture.  
**SB 316**, introduced by Lind, Grimes, Wheat, referred to Business and Labor.  
**SB 317**, introduced by Lind, Facey, referred to Business and Labor.  
**SB 318**, introduced by Laible, referred to Transportation.  
**SB 320**, introduced by Bales, Witt, Steinbeisser, Peterson, Barrett, Ripley, Story, referred to Agriculture.  
**SB 322**, introduced by Gillan, Lind, referred to Human Services.  
**SB 325**, introduced by Gebhardt, referred to Business and Labor.  
**SB 326**, introduced by Laslovich, Matthews, Villa, Wells, Keane, referred to Business and Labor.  
**SB 328**, introduced by Squires, referred to Human Services.  
**SB 329**, introduced by Tester, Wanzenried, Cooney, referred to Business and Labor.  
**SB 335**, introduced by Williams, referred to State Administration.  
**SB 337**, introduced by Weinberg, Jopek, Facey, referred to Natural Resources.  
**SB 339**, introduced by Joe Balyeat, Black, Roush, Tash, Tropila, referred to Fish, Wildlife and Parks.  
**SB 340**, introduced by Essmann, Himmelberger, Larson, referred to Taxation.  
**SB 342**, introduced by Laslovich, Brueggeman, referred to State Administration.  
**SB 344**, introduced by Wheat, referred to Judiciary.  
**SB 347**, introduced by Lind, A. Olson, referred to State Administration.  
**SB 349**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 350**, introduced by Cocchiarella, referred to Local Government.  
**SB 352**, introduced by Grimes, referred to Judiciary.  
**SB 353**, introduced by Pease, referred to Agriculture.  
**SB 354**, introduced by Gallus, Maedje, referred to Business and Labor.  
**SB 355**, introduced by Shockley, Cromley, Laslovich, referred to Judiciary.  
**SB 356**, introduced by Essmann, referred to Federal Relations, Energy, and Telecommunications.  
**SB 357**, introduced by Squires, referred to Judiciary.  
**SB 359**, introduced by Story, referred to Education.  
**SB 363**, introduced by Williams, referred to Education.  
**SB 365**, introduced by Ellingson, referred to Federal Relations, Energy, and Telecommunications.  
**SB 368**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 369**, introduced by Cocchiarella, referred to Transportation.  
**SB 370**, introduced by Squires, Lenhart, referred to State Administration.  
**SB 373**, introduced by Essmann, Stapleton, referred to Business and Labor.  
**SB 377**, introduced by Wheat, referred to Natural Resources.  
**SB 378**, introduced by Wheat, referred to Judiciary.  
**SB 380**, introduced by Tester, Ryan, Cooney, Williams, Toole, Gallus, referred to Business and Labor.  
**SB 381**, introduced by Moss, referred to Judiciary.



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**SB 383**, introduced by Cocchiarella, referred to Business and Labor.

**SB 384**, introduced by Gebhardt, referred to State Administration.

**SB 388**, introduced by Keenan, referred to Business and Labor.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 2:00 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 721** - Representative Parker moved **HB 721** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jackson, Jayne, Klock, Koopman, Lake, Lambert, Maedje, McNutt, Morgan, Rice, Ripley, Sales, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.

Total 27

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: W. Jones.

Total 1

**HJR 15** - Representative Juneau moved **HJR 15** be adopted. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.

Total 38

Voted Absentee: Small-Eastman, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 28** - Representative Lange moved **HJR 28** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, Branae, Dowell, Gallik, Jayne, Jopek, Raser, Ripley, Waitschies.  
Total 9

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 30** - Representative Roberts moved **HJR 30** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 90

Noes: Balyeat, Hawk, Himmelberger, Lambert, Peterson, Ripley, Waitschies, Ward, Witt.  
Total 9

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 91** - Representative Harris moved **HB 91** do pass.

**HB 91** - Representative Harris moved **HB 91**, second reading copy, be amended as follows:

1. Page 1, line 26.  
**Following:** "(3)"  
**Insert:** "(a)"

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2. Page 1, line 28.

**Insert:** "(b) A violation of this section by a passenger may not be charged against the passenger's driving record."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Jayne.

Total 2

Excused: Small-Eastman.

Total 1

Absent or not voting: Ripley.

Total 1

**HB 91** - Representative Harris moved **HB 91**, second reading copy, be further amended as follows:

1. Page 1, line 17 through line 19.

**Strike:** "OR," on line 17 through the third "SEAT" on line 19

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 82

Noes: Balyeat, Barrett, Bixby, D. Brown, R. Brown, Everett, Hendrick, Himmelberger, Jayne, Koopman, Lambert, McNutt, Mendenhall, Rice, Ripley, Sonju, Wagman, Wells.

Total 18

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 91** - Representative Sonju moved **HB 91**, second reading copy, be further amended as follows:

1. Page 2, line 9.

**Strike:** "MORE THAN 1/6 OUNCE"

**Insert:** "any amount"

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Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Barrett, D. Brown, Everett, Hendrick, Himmelberger, Jayne, Klock, Koopman, Lambert, Maedje, McKenney, McNutt, Mendenhall, Rice, Ripley, Wells.  
Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 91** - Representative Maedje moved **HB 91**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Butcher, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Ward, Wells, Witt.  
Total 44

Noes: Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 56

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 91** - Representative Maedje moved **HB 91**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lambert, Maedje, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Taylor, Wagman, Ward, Wells, Witt.  
Total 34

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton,

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Harris, Hawk, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Voted Absentee: Small-Eastman, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 91** - Representative Ripley moved consideration of **HB 91** be passed for the day. Chairman stated this is not a debatable motion. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Witt.

Total 37

Noes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Mendenhall, Noonan, Parker, Raser, Roberts, Ross, Sesso, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Excused: Small-Eastman.

Total 1

Absent or not voting: Musgrove.

Total 1

**HB 91** - Representative Maedje moved **HB 91**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jayne, Klock, Koopman, Maedje, Mendenhall, Morgan, Rice, Ripley, Stahl, Taylor, Ward, Wells, Witt.

Total 23

Noes: Andersen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Voted Absentee: Small-Eastman, No.

Excused: None.

Total 0

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Absent or not voting: Musgrove, Noennig.  
Total 2

Rep. Cohenour moved the previous question. Rep. Leader Brown stated calling for the previous question in 2nd Reading is not allowed.

**HB 91** - Representative Bergren moved for cloture. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Arntzen, Balyeat, Barrett, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Klock, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Ward, Wells, Witt.  
Total 30

Excused: Golie, Musgrove, Small-Eastman.  
Total 3

Absent or not voting: None.  
Total 0

**HB 91** - Representative Harris moved **HB 91**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, Jayne, Klock, Koopman, Lambert, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Rice, Ripley, Stahl, Wagman, Ward, Wells, Witt.  
Total 26

Voted Absentee: Golie, Musgrove, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones,

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W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 79

Noes: Arntzen, Butcher, Everett, Glaser, Hendrick, Himmelberger, Jayne, Klock, Koopman, Maedje, Malcolm, Mendenhall, Rice, Sales, Sinrud, Wagman, Wells, Witt.

Total 18

Excused: Golie, Musgrove, Small-Eastman.

Total 3

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 18** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 74

Noes: D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wells, Witt.

Total 24

Excused: Golie, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

**HB 28** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 71

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, Koopman, Lake, Maedje, Malcolm, Morgan, A. Olson, Rice, Sales, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 26

Excused: Golie, Small-Eastman.

Total 2

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Absent or not voting: Gallik.  
Total 1

**HB 201** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Barrett, Everett, Koopman, Maedje, Morgan.  
Total 5

Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: Juneau.  
Total 1

**HB 350** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Galvin-Halcro, Jayne, Jopek, Juneau, Kaufmann, Musgrove.  
Total 6

Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 399** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Caferro, Dickenson, Eaton, Grinde, Jopek, Kaufmann, Lambert, Lenhart, B. Olson, Sesso, Windy Boy.  
Total 11



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Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 463** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Barrett, D. Brown, Hawk, Koopman, McGillvray, Morgan, Sinrud, Wagman, Waitschies.  
Total 9

Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 481** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: D. Brown, R. Brown, Everett, Koopman, Lake, McGillvray, Morgan, Sales, Sinrud, Stahl, Stoker, Waitschies, Ward.  
Total 13

Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 517** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sonju, Stahl, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 70

Noes: Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Clark, Everett, Hawk, Jackson, Jayne, W. Jones,

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Juneau, Kaufmann, Lake, Lange, Malcolm, McGillvray, Milburn, Ross, Sinrud, Stoker, Wagman, Waitschies, Ward, Windham, Windy Boy.  
Total 27

Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: Sales.  
Total 1

**HB 693** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Campbell, Clark, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 70

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Facey, Galvin-Halcro, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noennig, Parker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 28

Excused: Golie, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 721 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 664 from the Human Services Committee to the Business and Labor Committee. Without objection, so ordered.

Rep. Maedje stated that he objected to the cloture vote on HB 91 since he had amendments ready to present.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, March 4, 2005. Motion carried.

House adjourned at 3:36 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 4, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Harris. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

Speaker Matthews and the House thanked the week's pages.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/4/2005  
Correctly printed: **HB 34, SB 23, SB 26, SB 50, SB 79, SB 83.**  
Correctly engrossed: **HB 91, HB 272, HB 421.**

**BUSINESS AND LABOR** (Keane, Chairman): 3/4/2005  
**SB 8**, be concurred in. Report adopted.  
**SB 61**, be amended as follows:

1. Title, page 1, line 8.

**Following:** "PROVIDING AN"

**Insert:** "IMMEDIATE"

2. Page 2, line 6.

**Following:** "5-5-223"

**Strike:** ". APPOINTED BY THE"

**Insert:** ". The"

3. Page 2, line 7.

**Following:** "COMMITTEE"

**Insert:** "shall appoint the liaisons from two separate political parties at the first interim committee meeting"

4. Page 2, lines 10 through 11.

**Strike:** "AT THE FIRST" on line 6 through "BIENNIUM" on line 7

**Insert:** "through each even-numbered calendar year"

5. Page 2, line 21.

**Strike:** "July 1, 2005,"

**Insert:** "on passage and approval"

6. Page 2, line 22.

**Strike:** "July 1, 2005"

**Insert:** "[the effective date of this act]"

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 3/4/2005  
**SB 20**, be concurred in and placed on the consent calendar. Report adopted.

**JUDICIARY** (Rice, Chairman): 3/4/2005  
**SB 35**, be concurred in. Report adopted.  
**SB 94**, be concurred in. Report adopted.

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**STATE ADMINISTRATION** (Jent, Chairman):

3/4/2005

**HB 338**, do pass. Report adopted.

**SB 14**, be concurred in and placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/4/2005

**SB 390**, introduced by Joe Balyeat

**SB 485**, introduced by Ellingson

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 2**, introduced by Laible, referred to Judiciary.

**SB 43**, introduced by Cooney, referred to Judiciary.

**SB 114**, introduced by Tester, referred to Judiciary.

**SB 167**, introduced by Mangan, Gillan, referred to Local Government.

**SB 174**, introduced by Kitzenberg, referred to Transportation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 3**, introduced by Mangan, referred to Business and Labor.

**SJR 4**, introduced by Cobb, referred to Federal Relations, Energy, and Telecommunications.

**SJR 6**, introduced by Wheat, referred to Judiciary.

**SJR 7**, introduced by Weinberg, Barkus, referred to Federal Relations, Energy, and Telecommunications.

**SJR 9**, introduced by Tester, referred to Natural Resources.

**SJR 11**, introduced by Laible, referred to Local Government.

**SJR 12**, introduced by Kitzenberg, Ryan, referred to Education.

**SJR 13**, introduced by Tester, Wanzenried, referred to Human Services.

**SJR 15**, introduced by Williams, referred to Human Services.

**SJR 16**, introduced by Williams, Cocchiarella, Cooney, Ellingson, Elliott, Franklin, Gallus, Harrington, Hawks, Juneau, Larson, Laslovich, Mangan, Moss, Pease, Raser, Roush, Schmidt, Smith, Squires, Tester, Tropila, Weinberg, Wheat, Wilson, Wiseman, referred to Federal Relations, Energy, and Telecommunications.

**SJR 17**, introduced by Lind, referred to Federal Relations, Energy, and Telecommunications.

**SJR 18**, introduced by Toole, referred to Human Services.

**SJR 19**, introduced by Elliott, Campbell, Cooney, Ellingson, Furey, Harrington, Kaufmann, Kitzenberg, Maedje, Shockley, Toole, Villa, Wheat, Wiseman, referred to Federal Relations, Energy, and Telecommunications.

**SJR 21**, introduced by Roush, Barkus, Black, Cocchiarella, Hansen, Jopek, Juneau, Smith, Tester, Tropila, Weinberg, Wilson, referred to Transportation.

**SJR 22**, introduced by Pease, referred to Transportation.

**SJR 23**, introduced by Elliott, Hendrick, Laible, McGee, Parker, Peterson, Tester, Wanzenried, referred to Federal Relations, Energy, and Telecommunications.

**SJR 24**, introduced by Barkus, Hawks, Lewis, McKenney, Perry, Roberts, Sonju, Stapleton, referred to Business and Labor.

**SJR 26**, introduced by Curtiss, Heinert, Maedje, referred to Human Services.

**SJR 27**, introduced by Harrington, Bixby, Branae, Callahan, Campbell, Clark, Cohenour, Cooney, Dowell, Eaton, Ellingson, Elliott, Gallus, Galvin-Halcro, Golie, Grinde, Groesbeck, Hansen, Jacobson, Jopek, Juneau, Laslovich, Lindeen, Maedje, Matthews, McAlpin, Moss, Noonan, Raser, Squires, Toole, Villa, Wanzenried, Williams, Wilson, referred to Human Services.

**SJR 28**, introduced by Squires, referred to Human Services.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:30 p.m.

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Rep. Roy Brown rose to clarify rules on introduction of amendments. Rep. Bergren, Rep. Wanzenried, and Rep. Facey agreed.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative B. Olson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 102** - Representative Lenhart moved **HB 102** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Balyeat, Butcher, Everett, Glaser, Jackson, Jayne, Koopman, Maedje, Mendenhall, Rice, Sales, Stahl, Wells.  
Total 13

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 109** - Representative Jent moved **HB 109** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Balyeat, Barrett, D. Brown, Hawk, Jayne, Maedje, Mendenhall, Morgan, Rice, Ripley, Roberts, Sonju, Waitschies.  
Total 13

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 170** - Representative Wilson moved **HB 170** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: R. Brown, Koopman.  
Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 219** - Representative Eaton moved **HB 219** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 42

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Sales.  
Total 1

**HB 361** - Representative Gallik moved **HB 361** do pass.

**HB 361** - Representative Gallik moved consideration of **HB 361** be passed for the day. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Sinrud, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert,

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Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 44

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 374** - Representative Parker moved consideration of **HB 374** be passed for the day. Without objection, so ordered.

**HB 414** - Representative D. Brown moved **HB 414** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 428** - Representative Gutsche moved **HB 428** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 45

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 433** - Representative Lambert moved **HB 433** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Caferro, Callahan.  
Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Balyeat, Peterson.  
Total 2

**HB 535** - Representative L. Jones moved **HB 535** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Harris, Jayne.  
Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Stahl.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman B. Olson moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert,



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Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Koopman, McGillvray, Sales, Wells.  
Total 4

Excused: Small-Eastman.  
Total 1

Absent or not voting: Everett, L. Jones, Keane, B. Olson.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 15** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 56

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 42

Excused: Small-Eastman.  
Total 1

Absent or not voting: Jopek.  
Total 1

**HJR 28** adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Balyeat, Bergren, Clark, Dowell, Furey, Gallik, Jayne, Jopek, Juneau, Raser, Ripley, Wanzenried.  
Total 12

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Excused: Small-Eastman.  
Total 1

Absent or not voting: Hamilton.  
Total 1

**HJR 30** adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: Balyeat, Hawk, Himmelberger, Jayne, Lambert, Malcolm, Ripley, Waitschies, Witt.  
Total 9

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer the following bills to the House Appropriations Committee: HB 102, HB 219, HB 433, HB 414, and HB 535. Without objection, so ordered.

Rep. Heinert moved to suspend the House rules for the drafting and introduction of a Joint Resolution. Speaker Matthews stated this requires a 2/3 vote with a limited debate. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Buzzas, Jayne.  
Total 2

Excused: Small-Eastman.  
Total 1

Absent or not voting: Dowell, Golie, L. Jones.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Dem. Floor Leader Parker moved that the House adjourn until 7:45 a.m., Saturday, March 5, 2005. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 5, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana  
March 5, 2005

House Chambers  
State Capitol

House convened at 7:45 a.m. Mr. Speaker in the Chair. Invocation by Rep. Furey. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Groesbeck, McAlpin, Peterson, and Small-Eastman, excused. Quorum present.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 32**, introduced by Sesso, Gillan, Sinrud, Groesbeck, Branae, Gallus, Hamilton, Hiner, Mendenhall, Furey, Jopek, Keane, Villa, Noonan, Lindeen, Gallik, Driscoll, Golie, Wilson, Roberts, Larson, referred to Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 390**, introduced by Joe Balyeat, referred to State Administration.

**SB 485**, introduced by Ellingson, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Matthews in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 607** - Representative A. Olson moved **HB 607** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Golie.

Total 1

Voted Absentee: Groesbeck, Jent, McAlpin, Small-Eastman, Ayes.

Excused: Peterson.

Total 1

Absent or not voting: None.

Total 0

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**HJR 10** - Representative Jacobson moved **HJR 10** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Hawk, Jayne, Lake, Waitschies, Ward.  
Total 5

Voted Absentee: Groesbeck, McAlpin, Small-Eastman, Ayes.

Excused: Peterson.  
Total 1

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Matthews moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 91** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McGillvray, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Barrett, Butcher, Everett, Himmelberger, Jayne, Klock, Koopman, Lambert, Maedje, Malcolm, McKenney, McNutt, Rice, Ripley, Sales, Wagman, Ward, Wells.  
Total 18

Excused: Groesbeck, McAlpin, Peterson, Small-Eastman.  
Total 4

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Monday, March 7, 2005. Motion carried.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 5, 2005

House adjourned at 8:06 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

HOUSE JOURNAL  
FIFTIETH LEGISLATIVE DAY - MARCH 7, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FIFTIETH LEGISLATIVE DAY

Helena, Montana  
March 7, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Andersen. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Barrett read the following Proclamation regarding students from Lima High School.

A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA  
March 7, 2005

WHEREAS, Lima High School is a high school of 35 students located in Southwestern Montana; and

WHEREAS, the eight members of the 2005 Lima High School senior class are Ryan Cherry, Riley Fitch, Farin Jackson, Cholpun Oskoeva, Jenna Schnitzler, Josh Slater, Tawnee Stosich, and Seth Young; and

WHEREAS these students -- who have been saving money for their senior trip since they were eighth graders -- unselfishly depleted their travel fund by giving \$5,000 to their ailing teacher, then donated additional money to this teacher to help with medical expenses, and shared another \$1,000 with a Dillon woman battling breast cancer; and

WHEREAS, these donations, which were made with no thought of personal gain, have come to the attention of people throughout the country, earning them a trip to Los Angeles to appear on The Ellen DeGeneres Show, a trip to the beach with Ms. DeGeneres, a tour of Hollywood locations, \$11,000 in donations from as far away as Florida to help fund the original senior trip to Oregon, a trip to Salt Lake City to shoot hoops with the Utah Jazz professional basketball team, and letters from both President George Bush and First Lady Laura Bush.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the thanks and warm regards of all Montanans be extended to the senior students of Lima High School for this display of unselfish sharing and their willingness to give up a special adventure in order to help a neighbor. These students have reminded all Americans about the joy of giving, sharing, and sacrificing for the good of others.

Speaker Matthews introduced the following pages: Jamie Lake, Ronan; Emily Marks, Missoula; Shawn Mischel, Glendive; Anna Redfern, Missoula; Amanda Riphenburg; Great Falls; Lindsey Robinson, Great Falls; and Erica Warner, Judith Gap.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Speaker Matthews informing her that he has re-appointed the following people to the Environmental Quality Council: Rep. Walt McNutt, Rep. Jim Peterson, Rep. Debby Barrett, Rep. Chris Harris, and Rep. Norma Bixby. Speaker Matthews also appointed Rep. Sue Dickenson, and appointed two public members: Buzz Mattelin and Kris Kok to the Environmental Council.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

3/7/2005

Correctly printed: **HB 338, SB 8, SB 14, SB 16, SB 20, SB 35, SB 94.**

Correctly engrossed: **SB 61.**

Correctly enrolled: **HB 77, HB 108, HB 118.**

Examined by the sponsor and found to be correct: **HB 77, HB 108, HB 118.**

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**BUSINESS AND LABOR** (Keane, Chairman): 3/7/2005  
**SB 99**, be concurred in. Report adopted.  
**SB 100**, be concurred in. Report adopted.  
**SB 132**, be concurred in and placed on the consent calendar. Report adopted.

**HUMAN SERVICES** (Becker, Chairman): 3/7/2005  
**SB 6**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman): 3/7/2005  
**SB 30**, be concurred in. Report adopted.  
**SB 67**, be concurred in. Report adopted.  
**SB 166**, be amended as follows:

1. Title, page 1, line 5.  
**Following:** "AMMONIA"  
**Insert:** "FOR THE PURPOSE OF MANUFACTURING DANGEROUS DRUGS"

2. Page 3, line 4.  
**Following:** "ammonia"  
**Insert:** "for the purpose of manufacturing dangerous drugs"

3. Page 4, line 10 through line 15.  
**Strike:** subsection (3) in its entirety

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman): 3/7/2005  
**SB 36**, be concurred in and placed on the consent calendar. Report adopted.  
**SB 56**, be concurred in and placed on the consent calendar. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman): 3/7/2005  
**HB 673**, do pass. Report adopted.  
**SB 9**, be concurred in and placed on the consent calendar. Report adopted.  
**SB 248**, be amended as follows:

1. Title, line 9.  
**Strike:** "IMMEDIATE"

2. Page 2, line 17.  
**Strike:** "ON PASSAGE AND APPROVAL"  
**Insert:** "July 1, 2005"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 3/7/2005

**SB 247**, introduced by Brueggeman

**House bills** concurred in and returned to the House: 3/7/2005

**HB 77**, introduced by B. Olson  
**HB 108**, introduced by Furey  
**HB 118**, introduced by McNutt

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/7/2005



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**HB 71**, introduced by Lake

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 247**, introduced by Brueggeman, referred to Appropriations.  
**SB 385**, introduced by Esp, referred to Judiciary.  
**SB 396**, introduced by Joe Balyeat, referred to State Administration.  
**SB 401**, introduced by Laslovich, referred to Business and Labor.  
**SB 402**, introduced by Perry, referred to Judiciary.  
**SB 407**, introduced by Grimes, referred to Judiciary.  
**SB 409**, introduced by Gallus, referred to Local Government.  
**SB 411**, introduced by Keenan, Arntzen, Everett, Gebhardt, Gillan, Grimes, Keane, Klock, Lewis, Matthews, McGee, Noonan, Roush, Smith, Stahl, Steinbeisser, Tash, Tropila, Witt, referred to Business and Labor.  
**SB 412**, introduced by Cocchiarella, Bergren, Larson, Gallus, Villa, Keane, Noonan, Groesbeck, referred to Business and Labor.  
**SB 415**, introduced by Tester, Bergren, Bixby, Black, Brueggeman, Callahan, Cobb, Eaton, Gallus, Groesbeck, Hansen, Harrington, Kitzenberg, Larson, Lenhart, Lind, Lindeen, Mendenhall, Noonan, Parker, Pease, Roush, Ryan, Schmidt, Sesso, Tash, Tropila, Wanzenried, Williams, Wilson, referred to Federal Relations, Energy, and Telecommunications.  
**SB 418**, introduced by Hawks, referred to State Administration.  
**SB 419**, introduced by Ryan, Tash, referred to Education.  
**SB 422**, introduced by Joe Balyeat, John Balyeat, Grimes, Hansen, referred to Business and Labor.  
**SB 423**, introduced by Laslovich, referred to Judiciary.  
**SB 426**, introduced by Stapleton, referred to Judiciary.  
**SB 429**, introduced by Shockley, referred to Judiciary.  
**SB 430**, introduced by Ryan, referred to Judiciary.  
**SB 431**, introduced by Barkus, referred to Local Government.  
**SB 433**, introduced by Lind, referred to Human Services.  
**SB 434**, introduced by Lewis, referred to Business and Labor.  
**SB 435**, introduced by Wheat, Kitzenberg, referred to Judiciary.  
**SB 440**, introduced by Harrington, referred to Human Services.  
**SB 443**, introduced by Roush, referred to Business and Labor.  
**SB 447**, introduced by Ellingson, referred to Judiciary.  
**SB 449**, introduced by Roush, McNutt, referred to Natural Resources.  
**SB 451**, introduced by Wheat, referred to Business and Labor.  
**SB 452**, introduced by Perry, referred to Judiciary.  
**SB 454**, introduced by Gebhardt, referred to Business and Labor.  
**SB 456**, introduced by Laible, referred to Local Government.  
**SB 457**, introduced by Gebhardt, referred to Business and Labor.  
**SB 458**, introduced by Gillan, Williams, referred to Local Government.  
**SB 459**, introduced by Tropila, Gebhardt, Jent, Lenhart, Wheat, referred to Transportation.  
**SB 460**, introduced by Weinberg, referred to Education.  
**SB 465**, introduced by Laslovich, referred to Transportation.  
**SB 466**, introduced by Esp, referred to Business and Labor.  
**SB 468**, introduced by Mangan, referred to Judiciary.  
**SB 470**, introduced by Harrington, Wanzenried, referred to Judiciary.  
**SB 472**, introduced by Perry, referred to Local Government.  
**SB 478**, introduced by Gallus, referred to State Administration.  
**SB 479**, introduced by Lind, McGillvray, referred to Human Services.  
**SB 481**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 486**, introduced by Cocchiarella, referred to Business and Labor.  
**SB 487**, introduced by Pease, referred to Transportation.  
**SB 489**, introduced by Lind, referred to Natural Resources.  
**SB 494**, introduced by Bales, referred to Natural Resources.  
**SB 497**, introduced by Tropila, referred to Business and Labor.  
**SB 500**, introduced by Cobb, referred to State Administration.  
**SB 503**, introduced by Tropila, referred to Fish, Wildlife and Parks.

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The following House bills were introduced, read first time, and referred to committees:

**HB 763**, introduced by Facey, referred to Taxation.

**HB 764**, introduced by Villa, Noonan, A. Olson, Harrington, Hiner, Heinert, Sesso, Laslovich, Golie, Keane, Gallus, Groesbeck, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wanzenried in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 361** - Representative Gallik moved **HB 361** do pass.

**HB 361** - Representative Gallik moved **HB 361**, second reading copy, be amended as follows:

1. Page 6, line 28.

**Following:** "occur"

**Insert:** "or, if mutually agreed on by both parties in the action, in the first judicial district, Lewis and Clark County"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Jayne.

Total 1

Absent or not voting: None.

Total 0

**HB 361** - Representative Gallik moved **HB 361**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Hawk, Jackson, Koopman, Malcolm, Mendenhall, Rice, Ripley, Wagman.

Total 8

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Voted Absentee: Jayne, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 453, HB 476, and HB 611** be passed for the day. Motion carried.

**HB 374** - Representative Harris moved **HB 374** do pass.

**HB 374** - Representative Harris moved **HB 374**, second reading copy, be amended as follows:

1. Page 2, line 8.  
**Strike:** "2 years"  
**Insert:** "12 months"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Jayne.  
Total 1

Absent or not voting: Noennig.  
Total 1

**HB 374** - Representative Harris moved **HB 374**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, D. Brown, Caferro, Clark, Everett, Jackson, Jayne, Kaufmann, Koopman, Lambert, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju.  
Total 20

Voted Absentee: Jayne, No.

Excused: None.  
Total 0

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Absent or not voting: None.

Total 0

**HB 625** - Representative Parker moved consideration of **HB 625** be passed for the day. Motion carried.

**HB 484** - Representative L. Jones moved **HB 484** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Hawk, Keane, Koopman, Lenhart, McKenney, Wells.

Total 6

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 513** - Representative Raser moved **HB 513** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 90

Noes: Everett, Koopman, Rice, Sales, Stoker, Wells, Witt.

Total 7

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

Absent or not voting: Facey, L. Jones, W. Jones.

Total 3

**HB 536** - Representative Callahan moved **HB 536** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 41

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 34** - Representative McNutt moved **HB 34** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Voted Absentee: Jayne, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 674** - Representative Waitschies moved consideration of **HB 674** be passed for the day. Motion carried.

**HB 272** - Representative Lambert moved **HB 272** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 97

Noes: Becker.

Total 1

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

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Absent or not voting: Himmelberger, Mr. Speaker.

Total 2

**HB 505** - Representative Matthews moved **HB 505** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 541** - Representative Glaser moved **HB 541** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 90

Noes: Buzzas, Campbell, Dickenson, Gutsche, Hamilton, Harris, Himmelberger, Jent, Keane, Wiseman.

Total 10

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 550** - Representative Windy Boy moved **HB 550** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

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Noes: Butcher, Koopman, Malcolm, McGillvray, Mendenhall, Sales.  
Total 6

Voted Absentee: Jayne, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 552** - Representative Caferro moved **HB 552** do pass.

**HB 552** - Representative Caferro moved **HB 552**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "CHILDREN"

**Strike:** "FOR"

**Insert:** "UNDER THE POVERTY LEVEL-RELATED CHILDREN'S"

**Following:** "MEDICAID"

**Insert:** "COVERAGE GROUPS"

2. Page 2, line 14.

**Following:** "for"

**Insert:** "poverty level-related children's"

**Following:** "medicaid"

**Insert:** "coverage groups"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.  
Total 0

Excused: Jayne.  
Total 1

Absent or not voting: Clark.  
Total 1

**HB 552** - Representative Caferro moved **HB 552**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

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Total 75

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jackson, Klock, Koopman, Lake, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Waitschies, Wells, Witt.

Total 25

Voted Absentee: Jayne, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 577** - Representative McAlpin moved **HB 577** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Jayne.

Total 1

Voted Absentee: Jayne, No.

Excused: None.

Total 0

Absent or not voting: Hendrick, Small-Eastman.

Total 2

**HB 728** - Representative Lange moved **HB 728** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Butcher, Mendenhall, Ward.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 9** - Representative Barrett moved **HJR 9** be adopted. Motion carried as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Caferro, Gallik, Golie, Hamilton, Harris, Jayne, Kaufmann, Koopman, Parker, Raser, Sales, Wells.

Total 12

Excused: None.

Total 0

Absent or not voting: Butcher, Musgrove, Small-Eastman, Wanzenried.

Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 109** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: Barrett, R. Brown, Hawk, Rice, Waitschies.

Total 5

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Excused: None.  
Total 0

Absent or not voting: Butcher, Caferro, Galvin-Halcro, Morgan, Musgrove.  
Total 5

**HB 170** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Butcher, Galvin-Halcro, Musgrove.  
Total 3

**HB 428** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Noennig, Noonan, Parker, Raser, Roberts, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Galvin-Halcro, Musgrove.  
Total 2

**HB 607** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Golie.

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Total 1

Excused: None.

Total 0

Absent or not voting: Galvin-Halcro, Musgrove.

Total 2

**HJR 10** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Hawk, Jayne, Waitschies, Ward.

Total 4

Excused: None.

Total 0

Absent or not voting: Galvin-Halcro, Musgrove.

Total 2

**MOTIONS**

Dem. Floor Leader Parker moved to take the following bills from 2nd Reading today and place on 2nd Reading on Wednesday, March 9, 2005: HB 453, HB 476, HB 625, HB 611. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer the following bills to the House Appropriations Committee: HB 374, HB 536, HB 577, HB 541, HB 513, HB 484, HB 728, and HB 552.

Rep. Harris objected to HB 374 being re-referred to the House Appropriations Committee and requested HB 374 be segregated from the motion.

Without objection, the following bills were re-referred to the House Appropriations Committee: HB 536, HB 577, HB 541, HB 513, HB 484, HB 728 and HB 552.

Dem. Floor Leader Parker moved to re-refer HB 374 to the House Appropriations Committee. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, Branae, R. Brown, Butcher, Buzzas, Driscoll, Everett, Gallik, Glaser, Grinde, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Witt, Mr. Speaker.

Total 58

Noes: Becker, Bergren, D. Brown, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Golie, Groesbeck, Gutsche, Harris, Hawk, Hiner, Jacobson, Jent, Jopek, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Noonan, Raser, Sesso, Stahl, Villa, Wells, Wilson, Windham, Windy Boy, Wiseman.

Total 36

Excused: None.

Total 0

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Absent or not voting: Caferro, Clark, Galvin-Halcro, Musgrove, Sales, Waitschies.  
Total 6

Rep. Heinert moved to suspend the House Rules for late drafting, introduction and acceptance of a Joint Senate Resolution. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: Bixby, Buzzas, Dowell, Eaton, Gallik, Golie, Juneau, Raser, Wanzenried, Witt.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Cohenour, Galvin-Halcro, Musgrove.  
Total 3

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 14, SB 20. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Tuesday, March 8, 2005. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana  
March 8, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Windy Boy and Rep. Bergren. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, and Ward, excused. Quorum present.

Speaker Matthews introduced Rep. Paul Clark. Rep Clark introduced Todd Daniels from Trout Creek and read the following proclamation:

A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA  
March 8, 2005

WHEREAS, while international ambassadors frequently visit the nation's capitol, on March 17 an 11-year-old ambassador from Montana will be in Washington, D.C. as a representative of 17 million hospitalized children around the nation. Todd Daniels from Trout Creek will join 49 other young ambassadors and Grammy winner LeAnn Rimes during the visit.

WHEREAS, Todd was selected as a representative of hospitalized children around the nation because of significant challenges he overcame with the help of staff at Shodair Children's Hospital. He is the only child representing the state of Montana, and the only one to represent the critical mental health needs of children.

WHEREAS, prior to Todd's experience at Shodair beginning in 2002, he had experienced more than 20 psychiatric hospitalizations since the age of four. His difficulties resulted at least in part from birth trauma; but in spite of his complex diagnosis and medication schedule, Todd now lives with his foster family in Trout Creek and continues to make progress in all areas of his life.

WHEREAS, staff at Shodair -- Montana's only Children's Miracle Network hospital -- praise Todd as someone who deserves the recognition. Words like "He never gave up even when things weren't going his way," and "He was always ready to try again," and "Todd had a piece of everyone's heart," tell the story of this young Montanan.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the congratulations and best wishes for future happiness are extended to Todd Daniels. We are proud of his efforts to grow into a happy, productive citizen of our state.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 673, SB 6, SB 9, SB 30, SB 36, SB 56, SB 67, SB 99, SB 100, SB 132.**

Correctly engrossed: **HB 361, HB 374, HB 484, HB 552, HB 728, SB 166, SB 248.**

Correctly enrolled: **HB 21, HB 27, HB 29, HB 37, HB 66.**

Signed by the Chief Clerk of the House at 3:50 p.m., March 7, 2005: **HB 77, HB 108, HB 118.**

Signed by the Speaker at 3:55 p.m., March 7, 2005: **HB 77, HB 108, HB 118.**

Signed by the President at 8:25 a.m., March 8, 2005: **HB 77, HB 108, HB 118.**

Delivered to the Governor for approval at 9:00 a.m., March 8, 2005: **HB 77, HB 108, HB 118.**

Examined by the sponsor and found to be correct: **HB 21, HB 27, HB 29, HB 37, HB 66.**

**BUSINESS AND LABOR** (Keane, Chairman):  
**HB 364**, introduced bill, be amended as follows:

3/8/2005

1. Title, line 5.  
**Following:** "OF"

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**Insert:** "CERTAIN"

2. Page 1, line 12.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, following line 13.

**Insert:** "(b) Pharmaceuticals purchased from Canadian pharmacies under this section must have been manufactured in the United States or, if manufactured in another country, must have been manufactured by a company holding a United States patent for the pharmaceutical manufactured in the other country."

4. Page 2, line 30.

**Strike:** "and participate in"

5. Page 3, line 1 through line 2.

**Strike:** "for use" on line 1 through "care" on line 2

And, as amended, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):

3/8/2005

**SB 170**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman):

3/8/2005

**SB 169**, be concurred in. Report adopted.

**SB 187**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

3/8/2005

**SB 16**, be concurred in. Report adopted.

**SB 17**, be concurred in and placed on the consent calendar. Report adopted.

**SB 53**, be concurred in and placed on the consent calendar. Report adopted.

**SB 54**, be concurred in and placed on the consent calendar. Report adopted.

**SB 69**, be concurred in. Report adopted.

## SENATE

**House bills** concurred in and returned to the House:

3/08/2005

**HB 21**, introduced by Gallik

**HB 27**, introduced by Noennig

**HB 29**, introduced by Golie

**HB 37**, introduced by Lambert

**HB 66**, introduced by Jent

**Senate bill** passed and transmitted to the House for concurrence:

3/8/2005

**SB 324**, introduced by Tester

## FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 33**, introduced by A. Olson, Gebhardt, Maedje, referred to Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 324**, introduced by Tester, Roberts, referred to Human Services.

**SB 375**, introduced by Wheat, referred to Business and Labor.

**SB 410**, introduced by Gallus, referred to Fish, Wildlife and Parks.

**SB 461**, introduced by Steinbeisser, Bales, Brueggeman, Klock, Lange, Smith, referred to Agriculture.

**SB 462**, introduced by Bales, referred to State Administration.

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Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 1:15 p.m.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 34** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Jayne, Windham, Witt.  
Total 3

**HB 272** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: None.  
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Jayne, Stahl, Windham, Witt.  
Total 4

**HB 505** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson,

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Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Dickenson.  
Total 1

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Bixby, Jayne, Windham, Witt.  
Total 4

**HB 550** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Jayne, Windham, Witt.  
Total 3

**HJR 9** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Mr. Speaker.  
Total 47

Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 42

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Campbell, Jayne, Windham, Witt.  
Total 4

**SB 14** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall,



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Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Facey.  
Total 1

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Hamilton, Jayne, Windham, Witt.  
Total 4

**SB 20** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: None.  
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.  
Total 7

Absent or not voting: Jayne, Windham, Witt.  
Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Andersen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 406** - Representative Parker moved consideration of **HB 406** be passed for the day. Motion carried.

**HB 674** - Representative Waitschies moved **HB 674** do pass.

**HB 674** - Representative Waitschies moved **HB 674**, second reading copy, be amended as follows:

1. Title, line 11.

**Following:** "ETHANOL;"

**Strike:** "AND"

**Insert:** "REDUCING THE TAX INCENTIVE FROM 30 CENTS TO 20 CENTS A GALLON; REVISING THE TIME IN WHICH TAX INCENTIVES MAY BE PAID; REDUCING THE AMOUNT OF PAYMENTS THAT MAY BE MADE TO AN ALCOHOL DISTRIBUTOR IN A CALENDAR YEAR FROM \$3 MILLION TO \$2 MILLION; PROVIDING FOR CONTRACTS FOR ETHANOL PRODUCERS ELIGIBLE FOR TAX INCENTIVES; REMOVING THE REQUIREMENT FOR LOSS OF PRIORITY;"

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2. Title, line 15.

**Following:** "MCA"

**Insert:** "; AND AMENDING SECTION 15-70-522, MCA"

3. Page 2, line 13.

**Following:** "(5)"

**Strike:** "and (6)"

4. Page 2, line 14.

**Following:** "regarding"

**Strike:** "the percentage of"

5. Page 3, line 28.

**Insert:** "Section 5. Section 15-70-522, MCA, is amended to read:

**"15-70-522. Tax incentive for production of alcohol -- written plan required -- reservation of incentives -- rules.** (1) (a) If the alcohol was produced in Montana from Montana agricultural products, including Montana wood or wood products, or if the alcohol was produced from non-Montana agricultural products when Montana products are not available, there is a tax incentive payable to alcohol distributors for distilling alcohol that:

(i) is to be blended with gasoline for sale as gasohol in Montana;

(ii) was exported from Montana to be blended with gasoline for sale as gasohol; or

(iii) is to be used in the production of ethyl butyl ether for use in reformulated gasoline.

(b) Payment must be made by the department out of the amount collected under 15-70-204.

(2) Except as provided in subsections (3) and (4), the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is ~~30~~ 20 cents a gallon for each gallon that is 100% produced from Montana products, with the amount of the tax incentive for each gallon reduced proportionately, based upon the amount of agricultural or wood products not produced in Montana that is used in the production of the alcohol. ~~Beginning July 1, 2010, there is no tax incentive.~~ The tax incentive is available to a facility for the first 6 years from the date that the facility begins production.

(3) Regardless of the alcohol tax incentive provided in subsection (2), the total payments made for the incentive under this part may not exceed \$6 million in any consecutive 12-month period.

(4) ~~(a)~~ An alcohol distributor may not receive tax incentive payments under subsection (2) that exceed ~~\$3~~ \$2 million in any consecutive 12-month period. Subject to subsections (6) and (7), an alcohol distributor may receive tax incentive payments commencing the first quarter after a facility begins production. The distributor shall report its production to the department pursuant to 15-70-205.

(b) The distributor's report must include:

(i) the total number of gallons produced for the month;

(ii) the total amount of products purchased for the production of alcohol;

(iii) the percentage of the total amount of products purchased that are Montana products; and

(iv) other information that the department determines is necessary.

(5) An alcohol distributor may not receive tax incentive payments under subsection (2) unless the distributor has provided a written business plan to the department of transportation at least 24 months before the distributor's anticipated application for collection of the tax incentives ~~and has complied with the schedule provided for in subsection (6).~~ The plan must contain the following information:

(a) the source or sources of financing for the acquisition of the plant, land, and equipment used for the production of alcohol for use in gasohol;

(b) the anticipated source of agricultural products used in the production of alcohol for use in gasohol; and

(c) the anticipated time, quantity, and duration of production of alcohol for use in gasohol.

~~(6) An applicant that has provided the department with a written business plan shall meet the following schedule to be able to receive alcohol tax incentive payments:~~

~~(a) start building construction or remodeling within 24 months of the date on which the department received the business plan;~~

~~(b) complete 50% of construction or remodeling of a production facility within 36 months of the date on which the business plan was received; and~~

~~(c) complete 100% of construction or remodeling of a production facility and be in production of alcohol for use in gasohol for distribution within 48 months of the date on which the business plan was received.~~

~~(7) If the applicant does not adhere to the schedule in subsection (6), the applicant loses its priority for receiving incentive payments.~~

~~(8)~~ (6) (a) A plant shall apply for the incentive payment by submitting an application to the department

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when the plant has proof of commitment from lenders to finance the plant. Subject to subsection (6)(b), the department of transportation shall respond to the applicant with approval of the application within 45 days of receipt of the application, after confirming the lending commitment. Upon approval of the application, the department shall enter into a contract with the plant that ensures the state's commitment to pay incentive payments to qualifying ethanol plants.

(b) If the department of transportation is not able to confirm a lending commitment, the department shall deny the application.

(7) After the department has verified production, the application provisions of subsection (6) are met, and the plant owner presents proof of financing, the department shall begin payments of the alcohol tax incentives based on actual production according to the terms of subsection subsections (2) and (4).

(9) The department shall reserve, in the order that written plans required under subsection (5) are received by the department, alcohol tax incentives based on the anticipated time, quantity, and duration of production.

(10) A new tax incentive payment may not be made if the total tax incentive established in subsection (3) has been reserved or paid. If an alcohol tax incentive has been reduced or canceled, the amount by which the tax incentive has been reduced or canceled is available for reservation as provided in subsection (9).

(11)(8) The department shall prescribe rules necessary to carry out the provisions of this section. The department shall coordinate and request information and input from the industry as a part of the rulemaking process and shall follow the procedures provided in Title 2, chapter 4."

**Renumber:** subsequent section

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Clark, Galvin-Halcro, Jayne, Kaufmann.  
Total 4

Voted Absentee: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward, Ayes.

Excused: None.  
Total 0

Absent or not voting: Groesbeck, Windham.  
Total 2

**HB 674** - Representative Waitschies moved **HB 674**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 72

Noes: Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Galvin-Halcro, Gutsche, Hamilton, Jayne, Jopek, Juneau, Kaufmann, Koopman, Lindeen, Musgrove, Parker, Sales, Sesso, Sinrud, Villa, Wells, Wiseman.  
Total 26

Voted Absentee: Becker, Driscoll, McAlpin, McGillvray, Small-Eastman, Ward, Ayes; Koopman, No.

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Excused: None.  
Total 0

Absent or not voting: A. Olson, Windham.  
Total 2

**HB 338** - Representative Jent moved **HB 338** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 62

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 38

Voted Absentee: Becker, Driscoll, Furey, McAlpin, Small-Eastman, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 421** - Representative Golie moved **HB 421** do pass.

**HB 421** - Representative Warden moved **HB 421**, second reading copy, be amended as follows:

1. Page 1, line 29.

**Following:** "(b) a"

**Insert:** "high school"

**Following:** "Montana"

**Strike:** "high"

**Insert:** "public, private, or home"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Caferro, Callahan, Clark, Dickenson, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 84

Noes: Branae, Buzzas, Campbell, Cohenour, Dowell, Facey, Jayne, Juneau, Kaufmann, Raser, Stahl, Stoker, Villa, Wiseman.  
Total 14

Voted Absentee: Becker, Driscoll, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Ward, Ayes.

Excused: Wanzenried, Windham.

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Total 2

Absent or not voting: None.

Total 0

**HB 421** - Representative Golie moved **HB 421**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 74

Noes: Bixby, R. Brown, Dowell, Everett, Glaser, Harris, Hawk, Himmelberger, Jayne, L. Jones, Koopman, Maedje, Malcolm, McGillvray, Milburn, Morgan, B. Olson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Ward, Witt.

Total 26

Voted Absentee: Becker, Driscoll, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 488** - Representative Gallik moved **HB 488** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Voted Absentee: Becker, Driscoll, Eaton, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 606** - Representative Gutsche moved **HB 606** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove,

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Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Andersen, Balyeat, Everett, Hawk, Himmelberger, Jackson, Klock, Koopman, McGillvray, Morgan, Rice, Ripley, Stahl, Stoker, Ward, Witt.  
Total 16

Voted Absentee: Becker, Driscoll, Eaton, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 698** - Representative Lange moved **HB 698** do pass. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: B. Olson.  
Total 1

Voted Absentee: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 563** - Representative Dowell moved **HB 563** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Voted Absentee: Becker, Driscoll, Eaton, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Andersen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Franklin, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Stoker, Taylor, Villa, Waitschies, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 67

Noes: Everett, Gallik, Glaser, Heinert, W. Jones, Maedje, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Warden, Wells.  
Total 14

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.  
Total 11

Absent or not voting: Butcher, Facey, Hawk, Hendrick, Malcolm, Peterson, Stahl, Wagman.  
Total 8

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer the following bills from 2nd Reading today to the House Appropriations Committee: HB 338, HB 674, and HB 698.

Rep. Leader R. Brown objected to HB 674 being re-referred to the House Appropriations Committee.  
Rep. Buzzas spoke in favor of HB 674 being re-referred to the House Appropriations Committee.  
Dem. Floor Leader Parker spoke to clarify the rules on re-referring bills.

Dem. Floor Leader Parker moved to re-refer HB 674 to the House Appropriations Committee. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 41

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 47

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.  
Total 11

Absent or not voting: Kaufmann.  
Total 1

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Speaker Matthews stated HB 674 will proceed to 3rd Reading.

Dem. Floor Leader Parker moved to re-refer the following bills from 2nd Reading today to the House Appropriations Committee: HB 338 and HB 698. Without objection, so ordered.

Dem. Floor Leader Parker moved to take HB 342 from the Appropriations Committee and place on 3rd Reading. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Everett, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, Sesso, Villa.  
Total 3

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.  
Total 11

Absent or not voting: Facey, Jopek, Kaufmann.  
Total 3

Rep. Villa moved to suspend the House Rules for the late drafting and introduction of a Joint Resolution. Speaker Matthews stated this requires a 2/3 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Rice, Roberts, Ross, Sesso, Taylor, Villa, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 59

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, L. Jones, Klock, Lake, Lambert, Malcolm, McKenney, McNutt, Mendenhall, Morgan, B. Olson, Raser, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.  
Total 29

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.  
Total 11

Absent or not voting: Kaufmann.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, March 9, 2005. Motion carried.

House adjourned at 3:10 p.m.



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MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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FIFTY-SECOND LEGISLATIVE DAY - MARCH 9, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana  
March 9, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Heinert. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

Rep. Lange announced the House Republicans will caucus.  
Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will recess until 1:00 p.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Rep. Buzzas, Chairwoman of the House Appropriations Committee, stating that pursuant to H 30-50(5) the committee has submitted HB 2 as amended without recommendation. The Chief Clerk also read a letter from Democratic Leader Wanzon dated March 8, 2005, asking that HB 2 as amended be placed on the agenda for purposes of second reading on Thursday, March 17, 2005.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/9/2005  
Correctly printed: **SB 16, SB 17, SB 53, SB 54, SB 69, SB 169, SB 170, SB 187.**  
Correctly engrossed: **HB 364, HB 421, HB 674.**  
Signed by the Chief Clerk of the House at 3:30 p.m., March 8, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**  
Signed by the Speaker at 3:55 p.m., March 9, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**  
Signed by the President at 5:20 p.m., March 8, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**  
Delivered to the Governor for approval at 10:00 a.m., March 9, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**

**APPROPRIATIONS** (Buzzas, Chairman): 3/9/2005  
**HB 2**, submit without recommendation, as amended. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman): 3/9/2005  
**SB 117**, be concurred in. Report adopted.  
**SB 188**, be concurred in. Report adopted.  
**SB 189**, be concurred in. Report adopted.  
**SB 243**, be concurred in. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman): 3/9/2005  
**SB 57**, be concurred in. Report adopted.  
**SB 171**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman): 3/9/2005  
**HB 172**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "INCREASING"  
**Insert:** "REVISING"

2. Title, line 6.  
**Following:** "LICENSE"  
**Insert:** "AND DRAWING"  
**Following:** "FEES;"

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**Insert:** "CREATING A RESIDENT SENIOR COMBINATION LICENSE;"

**Following:** "SECTIONS"

**Insert:** "87-2-113,"

3. Title, line 7.

**Following:** "87-2-701,"

**Insert:** "87-2-704, 87-2-708,"

4. Page 1, line 11.

**Insert:** "NEW SECTION. Section 1. Resident senior combination license. A resident, as defined in 87-2-102, who is 62 years of age or older or who will turn 62 years old before or during the season for which the license is issued may purchase a resident senior combination license for \$55. The resident senior combination license entitles the holder to exercise all rights granted to holders of Class A, Class A-1, and Class A-3 licenses and includes an elk tag and a resident wildlife conservation license."

**Insert:** "Section 2. Section 87-2-113, MCA, is amended to read:

"**87-2-113. Drawing and application fees.** (1) When the department determines a drawing is necessary prior to issuance of hunting licenses for any game species during a hunting season, it shall collect a ~~\$3~~ \$5 per species drawing fee with each application submitted.

(2) (a) If a resident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$2 for each application form to fund the administration of the preference system.

(b) If a nonresident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$20 for each application form to fund the administration of the preference system.

(3) Drawing fees collected pursuant to this section must be deposited in the state special revenue fund to the credit of the department as set forth in 87-1-601.

(4) The payment of a drawing fee confers no hunting rights or privileges.

(5) The commission may waive the provisions of subsection (1) when a drawing is required for a special season under 87-1-304."

{Internal References to 87-2-113:

x87-2-730}"

**Renumber:** subsequent sections

5. Page 3, line 2.

**Strike:** "\$10"

**Insert:** "\$6.50"

6. Page 3, line 12.

**Strike:** "\$20"

**Insert:** "\$7.50"

7. Page 3, line 21.

**Strike:** "\$10"

**Insert:** "\$6.50"

8. Page 4, line 1.

**Strike:** "\$10"

**Insert:** "\$6.50"

9. Page 4, line 10.

**Strike:** "\$7"

**Insert:** "\$6.50"

10. Page 4, line 25.

**Strike:** "\$20"

**Insert:** "\$16"

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11. Page 4, line 27.

**Strike:** "~~\$25~~"

**Insert:** "\$20"

12. Page 4, line 28.

**Strike:** "~~\$20~~"

**Insert:** "\$19"

13. Page 4, line 29.

**Strike:** "~~\$25~~"

**Insert:** "\$20"

14. Page 7, line 1.

**Strike:** "~~\$20~~"

**Insert:** "\$19"

15. Page 8, line 15.

**Strike:** "~~\$150~~"

**Insert:** "\$125"

**Strike:** "~~\$980~~"

**Insert:** "\$750"

16. Page 8, line 16.

**Strike:** "~~\$150~~"

**Insert:** "\$125"

**Strike:** "~~\$980~~"

**Insert:** "\$750"

17. Page 8, line 17.

**Strike:** "~~\$150~~"

**Insert:** "\$125"

**Strike:** "~~\$980~~"

**Insert:** "\$750"

18. Page 8, line 18.

**Strike:** "~~\$20~~"

**Insert:** "\$14"

19. Page 8, line 20.

**Strike:** "~~\$350~~"

**Insert:** "\$300"

20. Page 8, line 21.

**Strike:** "~~\$150~~"

**Insert:** "\$125"

**Strike:** "~~\$980~~"

**Insert:** "\$750"

21. Page 9, line 1.

**Strike:** "~~\$150~~"

**Insert:** "\$125"

**Strike:** "~~\$980~~"

**Insert:** "\$750"

22. Page 9, line 2.

**Strike:** "~~\$150~~"

**Insert:** "\$125"

**Strike:** "~~\$980~~"

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**Insert:** "\$750"

23. Page 9, line 3.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

24. Page 9, line 4.

**Strike:** "\$20"

**Insert:** "\$14"

25. Page 9, line 6.

**Strike:** "\$350"

**Insert:** "\$300"

26. Page 9, line 7.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

27. Page 9, line 12.

**Insert:** "**Section 14.** Section 87-2-704, MCA, is amended to read:

**"87-2-704. Regulation of special elk permits.** (1) The department may:

(a) provide for the refund of resident elk tag license fees to persons applying for special elk permits in hunting districts where there is no general elk hunting and set time limits and describe area restrictions; and

(b) designate special elk permit areas where priority will be given to applicants who have not held special elk permits for a period of years to be determined by the department.

(2) The department shall provide that a person who is issued a special elk permit to hunt antlerless elk during the regular hunting season is:

(a) limited to the hunting and taking of only an antlerless elk in the hunting district or portion of a hunting district where the permit is valid; and

(b) entitled to the general elk hunting privileges for a holder of a Class A-5 license in all other hunting districts.

(3) The commission may establish a waiting period during which a person who has received a special elk permit that is valid for an antlered bull may not receive another special elk permit that is valid for an antlered bull. The commission may specify which special elk permits are subject to the waiting period, by hunting district or portion of a hunting district.

(4) The fee for a special elk permit is ~~\$3~~ \$4.

(5) The department may adopt rules necessary to implement this section."

**Insert:** "**Section 15.** Section 87-2-708, MCA, is amended to read:

**"87-2-708. Class A-2--special bow and arrow license.** A holder of a valid hunting license for which a special archery season is set by the department may receive, upon payment of an additional fee of ~~\$8~~ \$10, a Class A-2 license that authorizes the holder to hunt with bow and arrow the game animals authorized by the licenses held and to possess the carcass of the game animals during seasons and in areas designated by the department."

**Renumber:** subsequent sections

28. Page 9, line 17.

**Strike:** "\$75"

**Insert:** "\$70"

29. Page 9, line 21.

**Strike:** "\$95"

**Insert:** "\$85"

30. Page 9, line 29.

**Strike:** "\$75"

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**Insert:** "\$70"

31. Page 10, line 2.

**Strike:** "\$95"

**Insert:** "\$85"

32. Page 10, line 14.

**Strike:** "\$8"

**Insert:** "\$10"

**Strike:** "\$10"

**Insert:** "\$12"

33. Page 10, line 30.

**Strike:** "\$8"

**Insert:** "\$6.50"

34. Page 11, line 1.

**Strike:** "\$10"

**Insert:** "\$8"

35. Page 12, line 29.

**Strike:** "\$8"

**Insert:** "\$6.50"

**Strike:** "\$10"

**Insert:** "\$8"

36. Page 13, line 3.

**Strike:** "\$30"

**Insert:** "\$25"

37. Page 13, line 14.

**Strike:** "\$10"

**Insert:** "\$8"

38. Page 13, line 17.

**Strike:** "\$5"

**Insert:** "\$3"

39. Page 13, line 30.

**Insert:** "NEW SECTION. Section 20. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [section 1]."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 243**, do pass. Report adopted.

**HB 260**, introduced bill, be amended as follows:

1. Title, line 5 through line 9.

**Following:** "ACQUISITION" on line 5

**Strike:** remainder of line 5 through "MCA" on line 9

**Insert:** "BY ALLOWING THE PUBLIC AND UNSUCCESSFUL WILDLIFE DRAWING LICENSE APPLICANTS TO DONATE MONEY FOR RECREATIONAL SITE ACQUISITION; ESTABLISHING AN ACCOUNT FOR PUBLIC DONATIONS DEDICATED TO SITE ACQUISITION AND DIRECTING EXPENDITURES FROM THE ACCOUNT;"

2. Title, line 9.

**Following:** "PROVIDING"

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**Insert:** "AN IMMEDIATE"

**Following:** "EFFECTIVE"

**Strike:** "DATES"

**Insert:** "DATE"

3. Page 1, line 19 through line 20.

**Strike:** "Decal" on line 19 through "--" on line 20

**Insert:** "Recreational site acquisition"

4. Page 1, line 20.

**Following:** "funds."

**Strike:** remainder of line 20 through "Fees" on page 2, line 18

**Insert:** "(1) Donations"

5. Page 2, line 19 through page 2, line 21.

**Following:** "by the department" on line 19

**Strike:** remainder of line 19 through "used" on line 21

6. Page 2, line 21.

**Following:** "acquisition"

**Strike:** ", operation, maintenance, and development"

7. Page 2, line 22.

**Following:** "access sites"

**Insert:** "but may not be used to acquire property through condemnation or eminent domain proceedings"

8. Page 2, line 23.

**Strike:** "(9)"

**Insert:** "(2)"

**Following:** "subsection"

**Strike:** "(8)"

**Insert:** "(1)"

9. Page 2, line 24.

**Strike:** "application"

**Insert:** "license"

10. Page 2, line 25.

**Following:** "subsection"

**Strike:** "(8)"

**Insert:** "(1)"

11. Page 2, line 26 through line 28.

**Strike:** subsection (10) in its entirety

12. Page 2, line 30 through page 5, line 16.

**Strike:** section 2 through section 4 in their entirety

**Renumber:** subsequent sections

13. Page 5, line 18.

**Strike:** "(1)"

14. Page 5, line 20 through line 21.

**Strike:** subsection (2) in its entirety

15. Page 5, line 23.

**Strike:** "dates"

**Insert:** "date"

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**Strike:** "(1) [Section 5 and this section] are"

**Insert:** "[This act] is"

16. Page 5, line 25 through line 26.

**Strike:** subsections (2) and (3) in their entirety

And, as amended, do pass. Report adopted.

**HB 277**, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

3/9/2005

**HB 669**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Strike:** "may"

**Insert:** "shall"

And, as amended, do pass. Report adopted.

**HB 740**, do pass. Report adopted.

**SELECT COMMITTEE ON EDUCATION** (Lindeen, Chairman):

3/9/2005

**SB 152**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ESTABLISHED;"

**Insert:** "PROVIDING A STATEMENT OF LEGISLATIVE GOALS FOR PUBLIC SCHOOLS; REQUIRING THE BOARD OF PUBLIC EDUCATION TO SUBMIT NEW OR PROPOSED AMENDMENTS TO ACCREDITATION STANDARDS TO THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE FOR REVIEW AND FOR A DETERMINATION OF FISCAL IMPACT FOR INCLUSION IN THE EXECUTIVE BUDGET;"

2. Title, page 1, line 9 through 11.

**Following:** "SCHOOLS" on line 9

**Strike:** remainder of line 9 through "EXPERTS" on line 11

3. Title, page 1, line 12.

**Strike:** "EVERY 6"

**Insert:** "AT LEAST EVERY 10"

4. Title, page 1, line 14.

**Following:** "FORMULA"

**Insert:** "IF NECESSARY"

5. Title, page 1, line 15.

**Strike:** "SECTION"

**Insert:** "SECTIONS 20-7-101 AND 20-9-303, MCA; REPEALING SECTIONS 20-2-115 AND"

**Following:** "AN"

**Insert:** "IMMEDIATE"

6. Title, page 1, line 16.

**Strike:** "AND AN APPLICABILITY DATE"

7. Page 1, line 18 through page 2, line 13.

**Strike:** page 1, line 18 through page 2, line 13 in their entirety.

8. Page 2, line 17 through page 6, line 3.

**Strike:** everything after the enacting clause



**Insert: "NEW SECTION. Section 1. Legislative goals for public elementary and secondary schools.** It is the goal of the legislature that Montana's public elementary and secondary school system, in cooperation with parents or guardians, create a learning environment for each student that:

- (1) furthers the ability to reason critically and creatively;
- (2) fosters the ability to effectively communicate ideas, knowledge, and thoughts;
- (3) develops a sense of personal and civic responsibility;
- (4) develops a strong work ethic, postsecondary readiness, and employment skills; and
- (5) encourages a healthy lifestyle."

**Insert: "NEW SECTION. Section 2. Basic system of free quality public elementary and secondary schools defined -- identifying educationally relevant factors -- establishment of funding formula and budgetary structure -- legislative review.** (1) Pursuant to Article X, section 1, of the Montana constitution, the legislature is required to provide a basic system of free quality public elementary and secondary schools throughout the state of Montana that will guarantee equality of educational opportunity to all.

(2) As used in this section, a "basic system of free quality public elementary and secondary schools" means:

- (a) the educational program specified by the accreditation standards provided for in 20-7-111, which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;

- (b) educational programs to provide for students with special needs or disabilities, at-risk students, students with limited English proficiency, and gifted and talented students;

- (c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

- (d) qualified, well-prepared, and effective teachers, staff, and administrators to implement the programs in subsections (2)(a) through (2)(c);

- (e) facilities and onsite distance learning technologies;

- (f) transportation of students pursuant to Title 20, chapter 10;

- (g) a procedure to assess and track student achievement in the programs established pursuant to subsections (2)(a) through (2)(c); and

- (h) preservation of local control of schools in each district vested in a board of trustees pursuant to Article X, section 8, of the Montana constitution.

(3) In developing a mechanism to fund the basic system of free quality public elementary and secondary schools, the legislature shall, at a minimum, consider the following educationally relevant factors in making adjustments to the funding formula:

- (a) the number of students in a district;

- (b) the needs of isolated schools and school districts with low population density;

- (c) the needs of urban school districts and school districts with high population density;

- (d) the needs of at-risk students, students with special needs or disabilities, students with limited English proficiency, and gifted and talented students;

- (e) the needs of American Indian students; and

- (f) the ability of school districts to attract and retain qualified educators and other personnel.

(4) By July 1, 2007, the legislature shall:

- (a) determine the costs of providing the basic system of free quality public elementary and secondary schools;

- (b) establish a funding formula that:

- (i) is based on the definition of a basic system of free quality public elementary and secondary schools;

- (ii) allows the legislature to adjust the funding formula based on the educationally relevant factors identified in this section;

- (iii) is self-executing and includes a mechanism for annual inflationary adjustments;

- (iv) is based on state education laws;

- (v) is based on federal education laws consistent with Montana's constitution and laws; and

- (vi) distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools; and

- (c) consolidate the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.

(5) At least every 10 years following [the effective date of this act], the legislature shall:

- (a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and

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(b) if necessary, incorporate the results of those assessments into the state's funding formula."

**Insert:** "Section 3. Section 20-7-101, MCA, is amended to read:

**"20-7-101. Standards of accreditation.** (1) Standards of accreditation for all schools ~~shall~~ **must** be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

(2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education and local government interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.

(3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

(2)(4) Standards for the retention of school records must be as provided in 20-1-212."

**Insert:** "Section 4. Section 20-9-303, MCA, is amended to read:

**"20-9-303. Nonisolated school BASE budget funding -- special education funds.** (1) An elementary school that has an ANB of nine or fewer pupils for 2 consecutive years and that is not approved as an isolated school under the provisions of 20-9-302 may budget and spend the BASE budget amount, but the county and state shall provide one-half of the direct state aid, and the district shall finance the remaining one-half of the direct state aid by a tax levied on the property of the district. When a school of nine or fewer pupils is approved as isolated under the provisions of 20-9-302, the county and state shall participate in the financing of the total amount of the direct state aid.

(2) Funds provided to support the special education program may be expended only for special education purposes as approved by the superintendent of public instruction in accordance with the special education budgeting provisions of this title. Expenditures for special education must be accounted for separately from and in addition to the balance of the school district general fund budgeting requirements provided in ~~20-9-307 and~~ 20-9-308. The amount of the special education allowable cost payments that is not matched with district funds, as required in 20-9-321, will reduce by a like amount the district's ensuing year's allowable cost payment for special education."

**Insert:** "NEW SECTION. Section 5. Repealer. Sections 20-2-115 and 20-9-307, MCA, are repealed."

**Insert:** "NEW SECTION. Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 and 2]."

**Insert:** "NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert:** "NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/9/2005

SB 432, introduced by Brueggeman

SB 438, introduced by Elliott

House bills concurred in and returned to the House:

3/9/2005

HB 80, introduced by Campbell

HB 90, introduced by Kaufmann

HB 126, introduced by Mendenhall

HB 127, introduced by Mendenhall

HB 128, introduced by Jent

HB 168, introduced by Becker

HB 171, introduced by Cohenour

HB 175, introduced by Cohenour

HB 185, introduced by Harris

HB 190, introduced by Becker

HB 195, introduced by Matthews

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**HB 205**, introduced by Parker  
**HB 226**, introduced by McAlpin  
**HB 274**, introduced by Peterson  
**HB 300**, introduced by Gallik  
**HB 381**, introduced by Callahan

**House joint resolution** concurred in and returned to the House: 3/9/2005

**HJR 3**, introduced by Jackson

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/9/2005

**HB 227**, introduced by Galvin-Halcro

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 765**, introduced by Maedje, D. Brown, Heinert, Hendrick, Everett, W. Jones, referred to Transportation.  
**HB 766**, introduced by Wiseman, Cobb, Elliott, referred to Natural Resources.  
**HB 767**, introduced by Maedje, referred to Natural Resources.  
**HB 768**, introduced by Hamilton, Williams, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 34**, introduced by Cohenour, Dickenson, Sesso, Musgrove, Campbell, Windy Boy, Villa, Groesbeck, Noonan, Bergren, Golie, Keane, Franklin, Callahan, Maedje, Galvin-Halcro, Parker, Heinert, referred to Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 432**, introduced by Brueggeman, referred to Taxation.  
**SB 438**, introduced by Elliott, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 453** - Representative Parker moved consideration of **HB 453** be placed below **SB 8** on the second reading board. Motion carried.

**HB 625** - Representative Parker moved consideration of **HB 625** be passed for the day. Motion carried.

**HB 611** - Representative Parker moved consideration of **HB 611** be placed below **HB 673** on the second reading board since the sponsor was not present. Motion carried.

**SB 23** - Representative Parker moved consideration of **SB 23** be placed at the bottom of the second reading board. Without objection, so ordered.

**HB 476** - Representative McAlpin moved **HB 476** do pass.

**HB 476** - Representative McAlpin moved **HB 476**, second reading copy, be amended as follows:

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1. Page 4, line 12.

**Strike:** "\$20"

**Insert:** "\$13"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Balyeat, Butcher, Heinert, Jayne, L. Jones, Milburn, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies.

Total 12

Excused: Small-Eastman, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**HB 476** - Representative McAlpin moved **HB 476**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 67

Noes: Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Witt.

Total 33

Voted Absentee: Small-Eastman, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 406** - Representative Bergren moved **HB 406** do pass.

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be amended as follows:

1. Title, page 1, line 11.

**Strike:** the second "AND"

2. Title, page 1, line 13.

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**Following:** "ACT"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

3. Page 3, line 25.

**Insert:** "NEW SECTION. **Section 9. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2006.

(2) [Section 3(1) and this section ] are effective on passage and approval."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Jackson, Jayne, Kaufmann.

Total 3

Excused: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be further amended as follows:

1. Page 2, line 2.

**Following:** "shippers of"

**Insert:** "processed"

2. Page 2, line 3.

**Following:** "package of"

**Insert:** "processed"

3. Page 2, line 7.

**Strike:** "WHOLE"

**Insert:** "Processed whole"

4. Page 2, line 17.

**Following:** "vending of"

**Insert:** "processed"

5. Page 2, line 26.

**Following:** "vending of"

**Insert:** "processed"

6. Page 2, line 27.

**Following:** "marks from"

**Insert:** "processed"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Kaufmann, McGillvray, Stoker.

Total 3

Excused: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be further amended as follows:

1. Page 3, line 13 through line 16.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Kaufmann.

Total 1

Excused: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

**HB 406** - Representative Keane moved for cloture. Motion carried on voice vote.

**HB 406** - Representative Bergren moved **HB 406**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Ripley, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies,

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Warden, Wells, Witt.  
Total 37

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 8** - Representative Mendenhall moved **SB 8** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Jayne, Koopman, Sales.  
Total 3

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 453** - Representative Furey moved **HB 453** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 47

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 26** - Representative Waitschies moved **SB 26** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 95

Noes: Musgrove.  
Total 1

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: Eaton, Furey, Taylor, Mr. Speaker.  
Total 4

**SB 37** - Representative Bergren moved **SB 37** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Malcolm.  
Total 1

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**SB 50** - Representative Gutsche moved **SB 50** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Hawk, Koopman, Malcolm, McGillvray, Sales, Sinrud.  
Total 7



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Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: Ward.  
Total 1

**SB 83** - Representative Waitschies moved **SB 83** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Koopman, Sinrud.  
Total 2

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: W. Jones.  
Total 1

**HB 673** - Representative Butcher moved **HB 673** do pass.

**HB 673** - Representative Keane moved for cloture. Motion carried with a voice vote.

**HB 673** -Motion to pass **HB 673** carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted

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as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Cohenour, Driscoll, Galvin-Halcro, Golie, Gutsche, Harris, Hiner, Jayne, Juneau, Kaufmann, Keane, Koopman, Noennig, Sales, Wells, Wilson, Witt.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Balyeat, Jacobson.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 342** passed as follows:

Ayes: Bergren, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Dowell, Eaton, Everett, Furey, Galvin-Halcro, Glaser, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, Mendenhall, Milburn, Morgan, Musgrove, Raser, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Driscoll, Facey, Franklin, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hiner, Jacobson, Jopek, Kaufmann, Keane, Lake, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wilson, Witt, Mr. Speaker.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 361** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: D. Brown, Hawk, Jackson, L. Jones, W. Jones, Koopman, Lake, Maedje, Malcolm, Mendenhall, Milburn,

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Morgan, Rice, Ross, Sinrud, Wagman, Ward.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 488** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Franklin, Hawk, Heinert, Hendrick, Henry, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 563 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 606** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove,

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Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: Everett, Glaser, Hawk, Himmelberger, Jackson, Klock, Koopman, Maedje, Stahl, Ward.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 625 to the Taxation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 673 to the House Appropriations Committee. Without objection, so ordered.

Rep. Leader R. Brown moved to re-refer HB 406 to the House Appropriations Committee. Rep. Bergren objected to the motion. Speaker Matthews stated this requires a majority vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Leader R. Brown moved to re-refer HB 476 to the House Appropriations Committee. Rep. McAlpin objected to the motion. Motion **failed** as follows;

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham,

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Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Lange moved HB 124 be withdrawn from the Select Committee on Education and placed on 2nd Reading on Thursday, March 10, 2005. This requires a 3/5 vote.

Rep. Villa made a substitute motion to table Rep. Lange's motion. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Clark moved the previous question.

Rep. Lange's motion that HB 124 be withdrawn from the Select Committee on Education and placed on 2nd Reading, requiring a 3/5 vote, **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Clark, Everett, Facey, Furey, Glaser, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jent, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 49

Excused: None.  
Total 0

Absent or not voting: MacLaren.  
Total 1

Rep. Lange moved HB 2 be re-referred to the House Appropriations Committee. Speaker Matthews stated this

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requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 9, SB 36, SB 56, and SB 132. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Thursday, March 10, 2005. Motion carried.

House adjourned at 3:30 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana  
March 10, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Caferro. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

3/9/2005

Correctly printed: **HB 277, HB 423, HB 740.**

Correctly engrossed: **HB 172, HB 260, HB 669.**

Correctly enrolled: **HB 43, HB 67, HB 78, HB 80, HB 87, HB 90, HB 101, HB 107, HB 126, HB 127, HB 128, HB 168, HB 171, HB 175, HB 185, HB 190, HB 195, HB 205, HB 226, HB 274, HB 300, HB 381, HJR 3.**

**BUSINESS AND LABOR** (Keane, Chairman):

3/9/2005

**SB 84**, be concurred in. Report adopted.

**SB 134**, be concurred in. Report adopted.

**SB 278**, be amended as follows:

1. Title, line 4.

**Strike:** "CERTAIN"

2. Title, line 7.

**Strike:** "UNLESS EXEMPT"

**Strike:** "CERTAIN"

3. Title, line 8.

**Following:** "~~AND~~"

**Strike:** ", NOTIFICATION, OR A PERMIT;"

**Insert:** "; AND"

4. Title, line 10.

**Strike:** "CERTAIN"

5. Title, line 10 through line 11.

**Strike:** "; AND" on line 10 through "MCA" on line 11

6. Page 1, line 16.

**Strike:** "-- EXEMPTION"

**Strike:** "NOT OTHERWISE LICENSED OR EXEMPT UNDER THIS PART"

7. Page 2, line 4 through line 11.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

8. Page 2, line 16.

**Strike:** "IS NOT EXEMPT UNDER [SECTION 1(4)] AND THAT"

9. Page 2, line 21.

**Strike:** "SUBSECTION (1) OF"

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10. Page 2, line 23.

**Strike:** "EXEMPT UNDER [SECTION 1(4)] OR"

11. Page 2, line 26 through page 3, line 6.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/10/2005  
**SB 235**, be concurred in. Report adopted.  
**SB 356**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman): 3/9/2005  
**SB 141**, be concurred in and placed on the consent calendar. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman): 3/9/2005  
**HJR 26**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman): 3/9/2005  
**SB 106**, be concurred in and placed on the consent calendar. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman): 3/10/2005  
**HB 671**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "\$5"

**Insert:** "\$3"

2. Title, line 8.

**Strike:** "\$10"

**Insert:** "\$8"

3. Title, line 16.

**Following:** "FOR"

**Insert:** "CERTAIN"

**Following:** "MANUFACTURED HOMES"

**Strike:** ", "

**Insert:** "AND FOR"

**Following:** "MOBILE HOMES"

**Strike:** ", "

4. Title, line 30.

**Following:** "61-3-463,"

**Insert:** "61-3-464,"

5. Page 4, line 21.

**Strike:** "in the state special revenue"

**Insert:** "of the enterprise"

**Following:** "fund"

**Insert:** "type as"

**Strike:** "for"

6. Page 4, lines 23 and 24.

**Strike:** "or" on line 23 through "61-5-111(6)(d)" on line 24

7. Page 4, lines 25 and 26.

**Strike:** "must" on line 25 through "justice and" on line 26



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8. Page 13, line 21.

**Following:** "~~15-1-116~~;"

**Insert:** "(e) certificate of title fees for manufactured homes pursuant to 15-1-116;"

**Renumber:** subsequent subsections

9. Page 18, line 20.

**Strike:** "(1)(o)"

**Insert:** "(1)(p)"

10. Page 42, line 3.

**Strike:** "of transportation"

11. Page 46, line 5.

**Strike:** "or"

12. Page 46, line 6.

**Strike:** ", manufactured home,"

**Following:** "housetrailer"

**Insert:** "; or

(k) a manufactured home declared to be an improvement to real property under 15-1-116"

13. Page 50, line 27.

**Strike:** "under" through "permit"

14. Page 51, line 7.

**Following:** "residence;"

**Strike:** "and"

15. Page 51, line 9.

**Following:** "this state"

**Insert:** "; or

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

16. Page 51, line 18.

**Strike:** "or"

17. Page 51, line 20.

**Following:** "residence"

**Insert:** "; or

(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession"

18. Page 52, line 8.

**Strike:** "\$5"

**Insert:** "\$3"

19. Page 52, line 12.

**Strike:** "\$10"

**Insert:** "\$8"

20. Page 52, line 18 through line 21.

**Following:** "state"

**Strike:** ", for" on line 18 through "be" on line 21

**Insert:** "and"

21. Page 60, line 18.

**Following:** "quadricycle"

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**Insert:** ", including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8,"

22. Page 71, line 26.

**Strike:** "\$25"

**Insert:** "\$5"

23. Page 72, line 1.

**Strike:** "to"

24. Page 76, line 23.

**Following:** "plate"

**Insert:** ", to be deposited in the county general fund"

**Strike:** "and"

25. Page 76.

**Following:** line 23

**Insert:** "(b) a \$5 license plate fee; and"

26. Page 76, line 24.

**Strike:** "(b)"

**Insert:** "(c)"

**Strike:** "\$30"

**Insert:** "\$20"

27. Page 76, line 26.

**Strike:** "subsection (2)"

**Insert:** "subsections (2)(b) and (2)(c)"

28. Page 76, line 28.

**Strike:** "\$25"

**Insert:** "\$20"

29. Page 81, line 15.

**Following:** "pole trailer."

**Insert:** "Special military or veteran license plates bearing a wheelchair as the symbol of a person with a disability may be issued to a person who meets the qualifications under 61-3-332(9) and this section."

30. Page 83.

**Following:** line 24

**Insert:** "Section 85. Section 61-3-464, MCA, is amended to read:

**"61-3-464. Application for collegiate license plates.** An applicant for collegiate license plates or renewal of collegiate license plates pursuant to 61-3-465 shall apply in the form and by the date the department requires. An application for a collegiate license plate may be combined with an application for a license plate bearing a wheelchair as the symbol of a person with a disability if the applicant meets the qualifications under 61-3-332(9)."

**Renumber:** subsequent sections

31. Page 90, line 24.

**Following:** "subsection"

**Insert:** "(1), the \$1.25 one-time fee imposed under subsection"

**Following:** "(3)"

**Insert:** ", "

32. Page 93, line 29.

**Strike:** "and that are reported under 61-3-501"

33. Page 97, line 16.

**Following:** "\$2"

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**Insert:** ", which must be remitted to the state and deposited in the state general fund"

34. Page 108, line 4.

**Strike:** "20-day"

35. Page 112, line 15.

**Strike:** "\$1"

**Insert:** "50 cents"

36. Page 112, line 30.

**Strike:** "or name"

37. Page 113, line 3.

**Following:** "in writing"

**Insert:** "or electronically by an approved automated interface"

38. Page 113, line 7.

**Strike:** "Except as provided in subsection (3), the"

**Insert:** "The"

39. Page 114, lines 19 and 20.

**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**HB 757**, introduced bill, be amended as follows:

1. Page 4, line 12.

**Strike:** "(6)"

**Insert:** "(5)"

2. Page 4, line 14 through line 17.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

3. Page 4, line 19.

**Strike:** "by"

**Insert:** "be"

**Strike:** "private"

**Insert:** "in other"

4. Page 4, line 20.

**Strike:** "private"

**Insert:** "in other"

**Following:** "funds."

**Insert:** "The transportation commission, provided for in 2-15-2502, shall establish matching fund requirements for other project categories."

5. Page 4, line 21.

**Strike:** "Montana"

**Strike:** ", provided for in 2-15-2502,"

6. Page 4.

**Following:** line 24

**Insert:** "(8) Funding recipients shall pay the standard prevailing wage on any construction projects or subcontracted construction projects conducted with funds received under this section."

And, as amended, do pass. Report adopted.

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Rep. Lange announced the House Republicans will caucus.  
Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will recess until 1:05 p.m.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 3/9/2005

**SB 498**, introduced by Black

**House bills** concurred in and returned to the House: 3/9/2005

**HB 43**, introduced by Musgrove  
**HB 67**, introduced by Jent  
**HB 78**, introduced by Harris  
**HB 87**, introduced by Ward  
**HB 101**, introduced by Villa  
**HB 107**, introduced by Jent

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/9/2005

**HB 70**, introduced by Stahl  
**HB 197**, introduced by Jayne

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 769**, introduced by Golie, Hansen, Schmidt, Smith, Tester, Witt, referred to Transportation.  
**HB 770**, introduced by Gallik, Andersen, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Furey, Golie, Groesbeck, Hamilton, Villa, Wanzenried, Windy Boy referred to Taxation.  
**HB 771**, introduced by Bergren, referred to Taxation.  
**HB 772**, introduced by Facey, Gillan, Harrington, Jacobson, Larson, Wiseman, referred to Business and Labor.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 498**, introduced by Black, Bales, L. Jones, Witt, referred to Appropriations.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 421** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 78

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Noes: Bixby, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jayne, Koopman, Lake, Malcolm, Milburn, Morgan, B. Olson, Sales, Sinrud, Sonju, Stoker, Ward, Witt.

Total 19

Excused: Small-Eastman.

Total 1

Absent or not voting: D. Brown, Dowell.

Total 2

**HB 453** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, A. Olson, Parker, Raser, Sesso, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman.

Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Witt, Mr. Speaker.

Total 47

Excused: Small-Eastman.

Total 1

Absent or not voting: D. Brown, Buzzas, Dowell.

Total 3

**HB 674** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, Noonan, Parker, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Excused: Small-Eastman.

Total 1

Absent or not voting: D. Brown, Dowell, Stahl.

Total 3

**SB 8** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley,

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Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Jayne, Koopman, Sales.  
Total 3

Excused: Small-Eastman.  
Total 1

Absent or not voting: D. Brown, Dowell, Raser.  
Total 3

**SB 26** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Small-Eastman.  
Total 1

Absent or not voting: D. Brown, Dowell.  
Total 2

**SB 37** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Small-Eastman.  
Total 1

Absent or not voting: D. Brown, Dowell, Glaser.  
Total 3

**SB 50** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: Everett, Koopman, Malcolm, McGillvray, Milburn, Sales, Sinrud, Wells.

Total 8

Excused: Small-Eastman.

Total 1

Absent or not voting: Dowell.

Total 1

**SB 83** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Koopman, McGillvray, Sales.

Total 3

Excused: Small-Eastman.

Total 1

Absent or not voting: Dowell.

Total 1

**SB 9** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Small-Eastman.

Total 1

Absent or not voting: Dowell.

Total 1

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**SB 36** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Facey, Golie.  
Total 2

Excused: Small-Eastman.  
Total 1

Absent or not voting: Jackson.  
Total 1

**SB 56** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bixby, Buzzas, Facey, Gallik, Kaufmann.  
Total 5

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 132** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Facey, Gallik, Stahl.  
Total 3

Excused: Small-Eastman.  
Total 1



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Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hendrick in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 611** - Representative Windy Boy moved **HB 611** do pass.

**HB 611** - Representative Windy Boy moved **HB 611**, second reading copy, be amended as follows:

1. Page 3, line 14.

**Insert: "NEW SECTION. Section 7. Contingent authorization.** (1) If Canada prohibits the sale of pharmaceutical drugs to the United States, or enacts laws that have the effect of preventing this program to be used, the governor is authorized to implement 37-7-703 and [section 1] with the countries in the European Union, Israel, Australia, New Zealand, or Chile.

(2) The governor shall notify the code commissioner of the implementation of subsection (1)."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: Barrett, Heinert, Himmelberger, Jackson, Koopman, Rice, Wagman, Witt.  
Total 8

Excused: Small-Eastman.  
Total 1

Absent or not voting: Hendrick.  
Total 1

**HB 611** - Representative Windy Boy moved **HB 611**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.  
Total 37

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Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 23** - Representative Wiseman moved **SB 23** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Facey.  
Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 364** - Representative Parker moved consideration of **HB 364** be placed below **SB 94** on the second reading board. Motion carried.

**SB 30** - Representative Windham moved **SB 30** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 66

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Campbell, Everett, Glaser, Hawk, Hendrick, Jackson, Jayne, L. Jones, Juneau, Klock, Koopman, Lake, Lambert, Malcolm, McKenney, Mendenhall, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Wagman, Waitschies, Ward, Wells, Witt.  
Total 34

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 35** - Representative Ward moved **SB 35** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Franklin, Furey.

Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 67** - Representative Lambert moved **SB 67** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Butcher, Clark, Franklin, Furey, Galvin-Halcro, Golie, Hawk, Jayne, Koopman, Mendenhall, Sales, Sesso, Stahl, Waitschies, Wanzenried, Wells.

Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 94** - Representative Noennig moved **SB 94** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Maedje.

Total 1

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Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Bergren, Sales.  
Total 2

**HB 364** - Representative Parker moved consideration of **HB 364** be placed below **SB 6** on the second reading board.  
Motion carried.

**SB 99** - Representative Furey moved **SB 99** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 100** - Representative Heinert moved **SB 100** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Hamilton, Jayne.  
Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 166** - Representative Sonju moved **SB 166** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Warden, Wells, Wilson, Windham, Wiseman, Witt.  
Total 83

Noes: D. Brown, Caferro, Campbell, Clark, Dickenson, Hamilton, Hawk, Jayne, Kaufmann, Koopman, Malcolm, Morgan, Waitschies, Wanzenried, Ward, Windy Boy.  
Total 16

Voted Absentee: Noonan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**SB 6** - Representative Henry moved **SB 6** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Noonan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

**HB 364** - Representative Maedje moved **HB 364** do pass.

**HB 364** - Representative Maedje moved **HB 364**, second reading copy, be amended as follows:

1. Page 3, line 3.  
**Following:** "in"  
**Insert:** "and participate in"

Amendment adopted as follows:

**HB 364** - Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Stoker.  
Total 1

Excused: Noonan, Small-Eastman.  
Total 2

Absent or not voting: B. Olson, Peterson.  
Total 2

**HB 364** - Representative Maedje moved **HB 364**, second reading copy, be further amended as follows:

1. Page 3, line 14.

**Insert:** "NEW SECTION. Section 7. Contingent authorization. (1) If Canada prohibits the sale of pharmaceutical drugs to the United States, or enacts laws that have the effect of preventing this program to be used, the governor is authorized to implement 37-7-703 and [section 1] with the countries in the European Union, Israel, Australia, New Zealand, or Chile.

(2) The governor shall notify the code commissioner of the implementation of subsection (1)."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Harris, Heinert, Hendrick, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Maedje, McAlpin, McNutt, Milburn, Morgan, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sonju, Taylor, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 59

Noes: Bixby, R. Brown, Caferro, Callahan, Dickenson, Franklin, Groesbeck, Hamilton, Hawk, Henry, Himmelberger, Hiner, Jayne, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, Peterson, Sales, Sesso, Sinrud, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Wells, Windy Boy.  
Total 39

Excused: Noonan, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 364** - Representative Jopek moved **HB 364**, second reading copy, be further amended as follows:

1. Page 1, line 17.

**Strike:** "Montanans"

**Insert:** "Montana-licensed pharmacists"

Amendment adopted as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde,

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Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Parker, Raser, Ross, Sales, Sesso, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 58

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Glaser, Harris, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.  
Total 40

Excused: Noonan, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

**HB 364** - Representative Maedje moved **HB 364** do pass as amended. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Everett, Hawk, Hendrick, Himmelberger, Keane, Koopman, Lake, Lindeen, Malcolm, McGillvray, McKenney, Morgan, Noennig, Sales, Sinrud, Stoker, Wells, Windy Boy.  
Total 18

Voted Absentee: Noonan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hendrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Butcher, Everett, Himmelberger, Jayne, Keane, Mendenhall, Sales.  
Total 7

Excused: Noonan, Small-Eastman.  
Total 2

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Absent or not voting: Hawk, Hendrick, B. Olson, Peterson.  
Total 4

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 364 to the House Appropriations Committee. Rep. Sinrud objected to the motion. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Ward, Warden, Wells.  
Total 39

Voted Absentee: Noonan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Henry.  
Total 1

Dem. Floor Leader Parker moved to re-refer SB 35 to the House Appropriations Committee. Rep. Sinrud objected to the motion. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 42

Voted Absentee: Noonan, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Sinrud moved to re-refer SB 30 to House Appropriations Committee. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Everett, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock,



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Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 58

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, B. Olson, Parker, Raser, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 40

Excused: Noonan, Small-Eastman.  
Total 2

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved to re-refer **HB 766** from the House Natural Resources Committee to the House Agriculture Committee. Without objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 17. There being no questions, this bill will proceed to 3rd Reading.

Rep. Leader Brown objected to SB 53 and SB 54 being on the Consent Calendar and requested the bills be placed on 2nd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Friday, March 11, 2005. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
March 11, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Everett. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Galvin-Halcro, Small-Eastman, and Witt excused. Quorum present.

Speaker Matthews and the House thanked the week's pages.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will recess until 1:00 p.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Dem. Leader Wanzonried to Speaker Matthews stating that he was exercising one of the twelve 'silver bullets' of the House Democrats according to House Rule H30-50 (5) to take HB 667 from the House Taxation Committee and place on 2nd reading on March 14, 2005.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/11/2005

Correctly printed: **HJR 26**.

Correctly engrossed: **HB 364, HB 611, HB 671, HB 757**.

Examined by the sponsor and found to be correct: **HB 43, HB 67, HB 78, HB 80, HB 87, HB 90, HB 101, HB 107, HB 126, HB 127, HB 128, HB 168, HB 171, HB 175, HB 185, HB 190, HB 195, HB 205, HB 226, HB 274, HB 300, HB 381, HJR 3**.

Signed by the Speaker at 4:30 p.m., March 10, 2005: **HB 43, HB 67, HB 78, HB 80, HB 87, HB 90, HB 101, HB 107, HB 126, HB 127, HB 128, HB 168, HB 171, HB 175, HB 185, HB 190, HB 195, HB 205, HB 226, HB 274, HB 300, HB 381, HJR 3**.

Signed by the President at 11:00 a.m., March 11, 2005: **HJR 3**.

Delivered to the Governor for approval at 4:15 p.m., March 11, 2005: **HB 43, HB 67, HB 78, HB 80, HB 87, HB 90, HB 101, HB 107, HB 126, HB 127, HB 128, HB 168, HB 171, HB 175, HB 185, HB 190, HB 195, HB 205, HB 226, HB 274, HB 300, HB 381**.

Delivered to the Secretary of State at 12:18 p.m., March 11, 2005: **HJR 3**.

**BUSINESS AND LABOR** (Keane, Chairman): 3/11/2005

**SB 108**, be concurred in. Report adopted.

**SB 130**, be concurred in. Report adopted.

**SB 165**, be concurred in. Report adopted.

**SB 316**, be concurred in. Report adopted.

**SB 454**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman): 3/11/2005

**HB 514**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman): 3/10/2005

**SB 208**, be concurred in. Report adopted.

**SB 260**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 3/11/2005

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**SB 129**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/11/2005

**HB 667**, introduced bill, submitted without recommendation, as amended:

1. Page 2, line 12 through line 13.

**Following:** "means" on line 12

**Strike:** ", in connection with a group health plan with respect to a calendar year and a plan year,"

2. Page 2, line 13.

**Following:** "who"

**Insert:** "is sponsoring or will sponsor a group health plan and who"

**Strike:** "an average of"

3. Page 2, line 14.

**Strike:** "on business days"

**Following:** "two"

**Insert:** "but not more than nine"

4. Page 2, line 21.

**Following:** "[section 6]"

**Strike:** "to"

**Insert:** "on behalf of"

5. Page 3, line 1.

**Strike:** "small"

**Insert:** "applicable"

6. Page 3, line 20.

**Following:** "representative"

**Insert:** "from their respective staffs"

7. Page 3, line 22.

**Strike:** "consumer-representative"

8. Page 4, line 27.

**Strike:** "number"

**Insert:** "amount"

9. Page 6, line 30.

**Strike:** "small"

**Insert:** "applicable"

10. Page 8, line 21.

**Strike:** "other"

Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

3/10/2005

**SB 480**, introduced by Cromley

**House bills** concurred in and returned to the House:

3/10/2005

**HB 14**, introduced by Golie

**HB 24**, introduced by Golie

**HB 25**, introduced by Roberts

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**HB 26**, introduced by Golie  
**HB 54**, introduced by Small-Eastman  
**HB 56**, introduced by Warden  
**HB 64**, introduced by R. Brown  
**HB 110**, introduced by Furey  
**HB 112**, introduced by Musgrove  
**HB 138**, introduced by Roberts  
**HB 139**, introduced by Gallik  
**HB 144**, introduced by Kaufmann  
**HB 154**, introduced by Jacobson  
**HB 160**, introduced by Jacobson  
**HB 178**, introduced by Taylor  
**HB 215**, introduced by Caferro  
**HB 255**, introduced by Roberts  
**HB 266**, introduced by Rice  
**HB 308**, introduced by Malcolm  
**HB 312**, introduced by Golie  
**HB 313**, introduced by Sesso  
**HB 439**, introduced by Wiseman  
**HB 609**, introduced by Taylor  
**HJ 4**, introduced by Peterson  
**HJ 11**, introduced by Windy Boy  
**HJ 22**, introduced by Peterson  
**HJ 24**, introduced by Bergren

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 773**, introduced by Morgan, Gillan, referred to Appropriations.  
**HB 774**, introduced by Himmelberger, R. Brown, referred to Taxation.  
**HB 775**, introduced by Himmelberger, referred to Federal Relations, Energy, and Telecommunications.  
**HB 776**, introduced by Raser, Bergren, Waitschies, referred to Taxation.  
**HB 777**, introduced by Branae, Moss, referred to State Administration.  
**HB 778**, introduced by Musgrove, Dowell, Eaton, Franklin, Hiner, Jopek, Juneau, Kaufmann, Lenhart, Windham, referred to Federal Relations, Energy, and Telecommunications.  
**HB 779**, introduced by Butcher, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 480**, introduced by Cromley, referred to Federal Relations, Energy, and Telecommunications.

**MOTIONS**

Representative Parker moved consideration of HB 406 be removed from 3rd reading and placed back on second reading for amendment. Motion carried as follows.

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 97

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Noes: None.  
Total 0

Excused: Galvin-Halcro, Small-Eastman.  
Total 2

Absent or not voting: Witt.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 476** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Sonju, Stahl, Villa, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Jayne, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Wells.  
Total 30

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.  
Total 0

**SB 6** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.  
Total 0

**SB 17** concurred in as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 93

Noes: Facey, Sales, Sinrud.  
Total 3

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Buzzas.  
Total 1

**SB 23** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.  
Total 0

**SB 67** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stoker, Taylor, Villa, Wagman, Ward, Warden, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: D. Brown, Clark, Franklin, Hawk, Hiner, Jayne, Koopman, Maedje, Mendenhall, Sales, Sinrud, Stahl, Waitschies, Wanzenried, Wells, Wilson.  
Total 16

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.

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Total 0

**SB 94** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 96

Noes: Mendenhall.

Total 1

Excused: Galvin-Halcro, Small-Eastman, Witt.

Total 3

Absent or not voting: None.

Total 0

**SB 99** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Galvin-Halcro, Small-Eastman, Witt.

Total 3

Absent or not voting: None.

Total 0

**SB 100** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 96

Noes: Jayne.

Total 1

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Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.  
Total 0

**SB 166** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: D. Brown, Caferro, Campbell, Clark, Dickenson, Franklin, Hawk, Jayne, Juneau, Kaufmann, Koopman, Lambert, Malcolm, Morgan, Waitschies, Ward.  
Total 16

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 61** - Representative Villa moved **SB 61** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Caferro, Everett, Kaufmann, Sales, Sinrud, Ward, Warden.  
Total 7

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Koopman, McNutt.  
Total 2



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**SB 69** - Representative Hamilton moved **SB 69** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: D. Brown, Hawk, Himmelberger, Koopman, Lake, Morgan, Sales, Sinrud, Stoker, Wagman, Wells.  
Total 11

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: R. Brown, Everett, Golie.  
Total 3

**SB 79** - Representative MacLaren moved **SB 79** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 169** - Representative Stahl moved **SB 169** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice,

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Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Jayne, Malcolm, Mendenhall, Morgan.  
Total 4

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 248** - Representative John Balyeat moved **SB 248** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Cohenour, Dickenson, Dowell, Everett, Franklin, Furey, Glaser, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Buzzas, Callahan, Campbell, Clark, Driscoll, Eaton, Facey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Harris, Jopek, Small-Eastman, Villa, Wagman, Wanzenried, Windham, Windy Boy.  
Total 20

Voted Absentee: Witt, Aye; Galvin-Halcro, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: Grinde, Malcolm.  
Total 2

**HB 172** - Representative Cohenour moved **HB 172** do pass.

**HB 172** - Representative Parker made motion for cloture on **HB 172**. Motion carried with a voice vote.

**HB 172** - Representative Cohenour moved **HB 172** do pass. Motion carried as follows:

Ayes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Malcolm, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Clark, Everett, Galvin-Halcro, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lindeen, MacLaren, Maedje, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Witt.  
Total 49

Voted Absentee: Small-Eastman, Aye; Galvin-Halcro, Witt, Noes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 669** - Representative Gutsche moved **HB 669** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 58

Noes: Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Ward, Warden, Wells.  
Total 42

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 260** - Representative W. Jones moved **HB 260** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 86

Noes: Balyeat, Buzzas, Galvin-Halcro, Gutsche, Hawk, Lake, Lambert, Mendenhall, Rice, Ripley, Ross, Sales, Stoker, Witt.  
Total 14

Voted Absentee: Small-Eastman, Aye; Galvin-Halcro, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro,

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Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Furey, Koopman, Mendenhall, Sales, Wagman.  
Total 5

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Becker, Bixby, Dickenson, Juneau, McNutt, Morgan, Peterson, Sinrud.  
Total 8

**MOTIONS**

Rep. Musgrove moved SB 5 be taken from the House Business and Labor Committee and placed on 2nd reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sales, Sesso, Sinrud, Villa, Waitschies, Wells, Windy Boy, Wiseman.  
Total 50

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Facey, Furey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Mr. Speaker.  
Total 47

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved to re-refer HB 669 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 260 to the House Appropriations Committee. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Cohenour, Dowell, Driscoll, Eaton, Franklin, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Sonju, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 36

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Clark, Dickenson, Everett, Facey, Furey, Gallik, Glaser, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy.  
Total 61

Excused: Galvin-Halcro, Small-Eastman, Witt.

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Total 3

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, March 12, 2005. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
March 12, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Dickenson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Small-Eastman, Galvin-Halcro, and Witt, excused. Quorum present.

Speaker Matthews introduced the following Honorary Pages: Donovan Dennis, Great Falls; and Alaine Field, Townsend.

Rep. Cohenour introduced the East Helena scholastic group and read the following proclamation:

A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA

March 12, 2005

WHEREAS, East Valley Middle School in East Helena, Montana, won top prize -- a Book Fair shopping spree for the entire school -- in Scholastic's national "Student Crew Contest." The program is designed to excite young people about reading.

WHEREAS, the East Valley Student Crew helped plan and produce a Scholastic Student Exchange Book Fair. They collected donations during their week-long book fair and used the proceeds to purchase books for family members serving in our military overseas.

WHEREAS, crew members also paid tribute to servicemen and women by dressing in camouflage fatigues, decorating their book fair with American flags and yellow ribbons, and inviting local veterans to visit the school and share their stories. A luncheon was held in their honor with all staff invited.

WHEREAS, student crewmembers, called the Scholastic Squad, will each receive a \$25 gift card to be used at a special Scholastic Book Fair shopping event. Soldiers who visited the school, PTA members who help with fairs, and a local Headstart will receive portions of a \$500 gift card. All other students, faculty and administrative personnel will receive a \$10 gift card.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the congratulations and best wishes for future school activities are extended to the students of East Valley Middle School as well as our thanks for supporting reading activities of middle school students in East Helena.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 514.**

Correctly engrossed: **HB 667.**

Correctly enrolled: **HB 14, HB 24, HB 25, HB 26, HB 54, HB 56, HB 64, HB 110, HB 112, HB 138, HB 139, HB 144, HB 154, HB 160, HB 178, HB 215, HB 255, HB 266, HB 308, HB 312, HB 313, HB 439, HB 609, HJR 4, HJR 11, HJR 22, HJR 24.**

Examined by the sponsor and found to be correct: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22.**

**AGRICULTURE** (Butcher, Chairman):

3/11/2005

**SB 51**, be concurred in. Report adopted.

**SB 178**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

3/11/2005

**SB 64**, be amended as follows:

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1. Page 2, line 10.

**Strike:** "the"

2. Page 2, line 11.

**Strike:** "program referred to in 39-71-401(3)"

**Insert:** "certification provided for in Title 39, chapter 71, part 4"

3. Page 2, line 18.

**Following:** "administering"

**Strike:** "the"

4. Page 2, line 19.

**Strike:** "program referred to in 39-71-401(3)"

**Insert:** "certification provided for in Title 39, chapter 71, part 4"

5. Page 2, line 25.

**Following:** "of"

**Strike:** "the program for"

**Insert:** "certification of"

**Strike:** "referred to 39-71-401(3)"

**Insert:** "provided for in Title 39, chapter 71, part 4"

6. Page 3, line 16.

**Strike:** "program for"

**Insert:** "certification of"

7. Page 3, line 17.

**Strike:** "referred to in 39-71-401(3)"

**Insert:** "provided for in Title 39, chapter 71, part 4"

8. Page 9, line 8 through line 11.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) Application fees or renewal fees for independent contractor exemption certificates must be deposited in the state special revenue account established in 39-9-206 and must be used to offset the certification administration costs."

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

3/11/2005

**SB 24**, be concurred in. Report adopted.

**SB 98**, be concurred in. Report adopted.

**SB 180**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "COSTS;"

**Insert:** "REQUIRING THE LEGISLATIVE AUDITOR TO AUDIT AND REPORT ON AGENCY COMPLIANCE WITH STATUTES REGARDING THE TRANSFER AND STORAGE OF PUBLIC RECORDS; AMENDING SECTION 5-13-304, MCA;"

2. Page 1, line 10.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1.

**Following:** line 12

**Insert:** "(b) When paying the fee, each agency shall comply with OMB Circular A-87."

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4. Page 1.

**Following:** line 22

**Insert:** "Section 2. Section 5-13-304, MCA, is amended to read:

**"5-13-304. Powers and duties. (1)** The legislative auditor shall:

~~(1)~~**(a)** conduct a financial and compliance audit of every state agency every 2 years covering the 2-year period since the last audit, unless otherwise required by state law;

~~(2)~~**(b)** conduct a special audit whenever the legislative auditor determines it necessary and shall so advise the members of the legislative audit committee;

~~(3)~~**(c)** make a complete written report of each audit. A copy of each report must be furnished to the department of administration, the state agency that was audited, each member of the committee, and the legislative services division.

~~(4)~~**(d)** report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information available relative to the violation;

~~(5)~~**(e)** report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

~~(6)~~**(f)** report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

~~(7)~~**(g)** during regularly scheduled audits of state agencies, audit and report on agency compliance with the provision of 2-6-211(1) regarding the transfer and storage of public records.

~~(7)~~**(2)** ~~have~~ The legislative auditor has the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency shall obtain the written consent of the grantee to the audit provided for in this subsection."

**Renumber:** subsequent sections

5. Page 1, line 25.

**Following:** "part" in both places

**Strike:** "1" in both places

**Insert:** "2" in both places

And, as amended, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/12/2005

**HB 569**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

3/11/2005

**HB 79**, introduced by Golie

**HB 114**, introduced by Witt

**HB 131**, introduced by Clark

**HB 187**, introduced by Bergren

**HB 242**, introduced by Lambert

**HB 298**, introduced by Clark

**HB 347**, introduced by Gutsche

**HB 400**, introduced by Keane

**HB 401**, introduced by Keane

**HB 508**, introduced by Hendrick

**HB 564**, introduced by Witt

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/11/2005

**HB 150**, introduced by Galvin-Halcro

**HB 188**, introduced by Bergren

**HB 302**, introduced by Driscoll

**HB 429**, introduced by Gutsche



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**House joint resolutions** concurred in as amended and returned to the House for concurrence in Senate amendments:  
3/11/2005

**HJR 6**, introduced by Windy Boy

**HJR 7**, introduced by Small-Eastman

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 780**, introduced by Sinrud, Callahan, Franklin, Glaser, Hiner, Jackson, Lenhart, McNutt, Musgrove, Taylor, Wells referred to State Administration.

**HB 781**, introduced by Lake, referred to Judiciary.

**HB 782**, introduced by McNutt, Wheat, referred to Natural Resources.

**HB 783**, introduced by Himmelberger, referred to Taxation.

**HB 784**, introduced by Cohenour, referred to Taxation.

**HB 785**, introduced by Cohenour, referred to State Administration.

**HB 786**, introduced by Cohenour, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Maedje in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 277** - Rep. R. Brown moved consideration of **HB 277** be placed at the bottom of the second reading board. Motion carried.

**SB 454** - Representative McKenney moved **SB 454** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 93

Noes: Gallik, Gutsche, Harris, Hiner, Jopek, Wiseman.

Total 6

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

**HB 740** - Representative Heinert moved **HB 740** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: D. Brown, Hawk, Koopman, Malcolm, McAlpin, McGillvray, Mendenhall, Sales, Wells, Witt.  
Total 10

Voted Absentee: Galvin-Halcro, Small-Eastman, Ayes; Witt, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 423** - Representative Stahl moved **HB 423** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Barrett, Bixby, Caferro, Everett, Hawk, Jackson, Jayne, Juneau, Kaufmann, Koopman, Malcolm, McGillvray, Mendenhall, Sales, Small-Eastman, Wanzenried, Wells, Windham.  
Total 18

Voted Absentee: Galvin-Halcro, Witt, Ayes; Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 671** - Representative Musgrove moved **HB 671** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Maedje, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

Noes: Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lindeen, MacLaren, McGillvray, McKenney, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Waitschies, Ward, Warden, Wells.  
Total 31

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

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Excused: None.  
Total 0

Absent or not voting: Heinert, Jackson, A. Olson.  
Total 3

**HB 757** - Representative L. Jones moved **HB 757** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, Butcher, Dickenson, Dowell, Driscoll, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lambert, Lange, Lenhart, MacLaren, Maedje, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Peterson, Raser, Rice, Ripley, Ross, Sesso, Stahl, Stoker, Taylor, Wagman, Waitschies, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 60

Noes: Bixby, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Eaton, Everett, Franklin, Grinde, Gutsche, Harris, Hawk, Himmelberger, Jayne, Juneau, Kaufmann, Koopman, Lake, Lindeen, Malcolm, McAlpin, McGillvray, Morgan, B. Olson, Parker, Roberts, Sales, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Warden, Wells, Wiseman.  
Total 40

Voted Absentee: Galvin-Halcro, Witt, Ayes; Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 53** - Representative Jacobson moved **SB 53** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Barrett, R. Brown, Everett, Facey, McGillvray, Sales, Sonju, Stahl, Wagman, Ward, Wells.  
Total 11

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Franklin.  
Total 1

**SB 54** - Representative Hamilton moved **SB 54** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm,

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Total 99

Noes: None.  
Total 0

Voted Absentee: Galvin-Halcro, Small-Eastman, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Wells.  
Total 1

At this time Representative Himmelberger assumed the chair.

**HB 277** - Representative Maedje moved **HB 277** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Eaton, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Henry, Jackson, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, Musgrove, Noennig, A. Olson, Parker, Raser, Sesso, Stahl, Villa, Wagman, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Everett, Furey, Gallik, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Jayne, L. Jones, Juneau, Koopman, Lake, Lambert, Lange, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Waitschies, Ward, Warden, Wells, Windham, Witt.  
Total 54

Voted Absentee: Galvin-Halcro, Aye; Small-Eastman, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Buzzas, Callahan, Groesbeck, Hawk, Juneau, Keane, Koopman, McGillvray, Mendenhall, Morgan, B. Olson, Sales, Sinrud, Sonju, Wells, Wilson.  
Total 16

Excused: Galvin-Halcro, Small-Eastman, Witt.

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Total 3

Absent or not voting: Balyeat, Clark, Himmelberger, Jopek, Lange, Malcolm, Wanzenried.

Total 7

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 172** passed as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Stahl, Taylor, Villa, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Caferro, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lindeen, MacLaren, Maedje, McGillvray, McKenney, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wanzenried, Ward, Wells, Windham.

Total 45

Excused: Galvin-Halcro, Small-Eastman, Witt.

Total 3

Absent or not voting: Butcher.

Total 1

**HB 260** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Balyeat, D. Brown, Buzzas, Clark, Everett, Harris, Hawk, Lake, Lambert, Mendenhall, Rice, Ripley, Ross, Sales, Wanzenried, Wells.

Total 16

Excused: Galvin-Halcro, Small-Eastman, Witt.

Total 3

Absent or not voting: Butcher.

Total 1

**HB 611** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Maedje,

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McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 73

Noes: Barrett, Everett, Hawk, Jackson, Jayne, Koopman, Lambert, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ross, Sales, Sinrud, Wagman, Waitschies, Ward, Wells.  
Total 23

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Butcher.  
Total 1

**SB 61** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 85

Noes: Caferro, Everett, Furey, Kaufmann, Koopman, Mendenhall, Morgan, Sales, Sinrud, Wanzenried, Ward.  
Total 11

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Butcher.  
Total 1

**SB 69** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 78

Noes: Balyeat, D. Brown, Everett, Hawk, Himmelberger, Koopman, Lake, Lange, Malcolm, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Stoker, Wagman.  
Total 17

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Butcher, Heinert.  
Total 2

**SB 79** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik,

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Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Butcher, Buzzas.  
Total 2

**SB 169** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: D. Brown, Jackson, Jayne, Malcolm, Mendenhall, Morgan, Roberts.  
Total 7

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Butcher.  
Total 1

**SB 248** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Glaser, Grinde, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 81

Noes: Buzzas, Campbell, Clark, Facey, Gallik, Golie, Groesbeck, Gutsche, Harris, Jopek, Lake, Maedje, Villa, Wanzenried, Windy Boy.  
Total 15

Excused: Galvin-Halcro, Small-Eastman, Witt.  
Total 3

Absent or not voting: Butcher.  
Total 1

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**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 423, HB 740, HB 757 to the House Appropriations Committee. Without objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 106, SB 141. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, March 14, 2005. Motion carried.

House adjourned at 9:30 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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FIFTY-SIXTH LEGISLATIVE DAY - MARCH 14, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
March 14, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Malcolm. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Sales and Small-Eastman, excused. Quorum present.

Speaker Matthews introduced the following pages: Andrew Bruce, Bozeman; Bobbie Mischel, Glendive; Tanner Ripley, Highwood; Luke Schiedermayer, Philipsburg; Kayla Wildey, Victor; Danny Zimmerman, Billings; and Frieda Zimmerman, Pony.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, and thirty-ninth legislative days, find the same to be correct.

Barrett, Chair

Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will stand at ease until 12:55 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/14/2005  
Correctly printed: **HB 569**.  
Correctly engrossed: **HB 742**.  
Examined by the sponsor and found to be correct: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.  
Signed by the Chief Clerk of the House at 11:20 a.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.  
Signed by the Speaker at 11:40 a.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.

**HUMAN SERVICES** (Becker, Chairman): 3/14/2005  
**HB 742**, introduced bill, be amended as follows:

1. Title, line 7.  
**Following:** "PROVIDERS;"  
**Strike:** "AND"
2. Title, line 8.  
**Following:** "REGISTRY"  
**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 4, line 12.  
**Insert:** "NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2005."

And, as amended, do pass. Report adopted.

**SB 42**, be concurred in. Report adopted.

**SELECT COMMITTEE ON EDUCATION** (Lindeen, Chairman): 3/14/2005  
**HB 124**, introduced bill, be amended as follows:

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1. Page 3, line 18.

**Strike:** "26"

**Insert:** "25"

2. Page 3, line 21.

**Following:** "means"

**Insert:** ":

(i)"

**Following:** "public"

**Strike:** "school"

3. Page 3, line 24.

**Following:** "hours"

**Insert:** ", but not less than 18 hours a week,"

4. Page 3, line 25.

**Following:** the second "cooperative"

**Insert:** "; or

(ii) a classroom teacher or specialist employed by a public elementary or high school district, as defined in 20-6-101, or a K-12 school district, as defined in 20-6-701, who is regularly employed for 30 or more hours a week during the school year or employed for fewer hours, but not less than 18 hours a week, as specified in a collective bargaining agreement or by employer policy in a nonbargaining school district and is teaching in a classroom that has more students in the classroom than allowed under the accreditation standards adopted by the board of public education"

5. Page 4, line 27.

**Strike:** "normal"

6. Page 5, line 21.

**Following:** "each"

**Insert:** "eligible"

**Following:** "employee"

**Insert:** ", as defined in [section 2(7)(a)(i)], or \$200 a month plus an additional amount based on the number of students per classroom that is in excess of the maximum number of students allowed per classroom by the accreditation standards, for each eligible employee, as defined in [section 2(7)(a)(ii)], who is"

7. Page 6, line 6.

**Strike:** "rate of medical care cost inflation"

**Insert:** "consumer price index, U.S. city average, for all urban consumers, for all items,"

8. Page 6, line 15.

**Strike:** "before"

**Insert:** "after"

9. Page 6, line 18.

**Following:** "decision"

**Insert:** "may be revoked by an employer upon written notice to the board. The written notice must be filed with the board on or before June 1 at least 1 year before the employer actually leaves the K-12 SHIP. During the 1-year notice period, an employer may not reverse a decision to revoke participation. An employer's decision to revoke elective participation in the K-12 SHIP"

10. Page 9, line 15.

**Following:** "claims"

**Strike:** ", "

**Insert:** "and"

11. Page 9, line 15 through line 16.

**Following:** "costs" on line 15

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**Strike:** remainder of line 15 through "SHIP" on line 16

12. Page 10, line 2.

**Following:** "(2)"

**Insert:** "(a)"

13. Page 10, line 4.

**Strike:** "(a)"

**Insert:** "(i)"

**Strike:** "four"

**Insert:** "three"

14. Page 10, line 4 through line 5.

**Following:** "SHIP"

**Strike:** remainder of line 4 through "employee," on line 5

**Insert:** "appointed"

15. Page 10, line 5.

**Strike:** "eight"

**Insert:** "six"

16. Page 10, line 6.

**Following:** "nominees"

**Insert:** ", which includes at least one retiree, at least one classified employee, and at least two nominees from a first-class district, as defined in 20-6-201 and 20-6-301,"

17. Page 10, line 7.

**Strike:** "(b)"

**Insert:** "(ii)"

**Strike:** "two"

**Insert:** "three"

18. Page 10, line 7 through line 8.

**Following:** "administrators"

**Strike:** remainder of line 7 through "20-6-301," on line 8

19. Page 10, line 8.

**Strike:** "four"

**Insert:** "six"

**Following:** "nominees"

**Insert:** ", which includes at least one retiree and at least two nominees from a first-class district, as defined in 20-6-201 and 20-6-301,"

20. Page 10, line 9.

**Following:** "schools;"

**Insert:** "and"

21. Page 10, line 10.

**Strike:** "(c)"

**Insert:** "(iii)"

**Strike:** "two"

**Insert:** "three"

22. Page 10, line 10 through line 11.

**Following:** "trustees"

**Strike:** remainder of line 10 through "20-6-301," on line 11

23. Page 10, line 11.

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**Strike:** "four"

**Insert:** "six"

**Following:** "nominees"

**Insert:** ", which includes at least two nominees from a first-class district, as defined in 20-6-201 and 20-6-301,"

24. Page 10, line 13 through line 14.

**Strike:** ";" on line 13 through "SHIP" on line 14

25. Page 10.

**Following:** line 14

**Insert:** "(b) Of the nine members on the board, at least one must be a classified employee and at least one must be a retiree."

26. Page 10, line 15.

**Strike:** "(a) Except as provided in subsection (3)(b), when"

**Insert:** "When"

27. Page 10, line 21 through line 22.

**Strike:** subsection (b) in its entirety

28. Page 11, line 27 through line 28.

**Following:** "from" on line 27

**Strike:** remainder of line 27 through "and" on line 28

29. Page 13, line 9.

**Strike:** "details"

**Insert:** "contains detailed"

30. Page 13, line 30.

**Following:** "12]"

**Insert:** "or the report required in [section 18]"

31. Page 14, line 14 through line 15.

**Strike:** the second "and" on line 14 through "premiums" on line 15

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

3/14/2005

**HB 759**, do pass. Report adopted.

**SB 38**, be amended as follows:

1. Title, line 6.

**Strike:** "TRAFFIC EDUCATION AND A PORTION BE USED FOR"

2. Page 1, line 17.

**Following:** "46-18-235;"

**Insert:** "and"

3. Page 1, line 18 through line 20.

**Strike:** "25%" on line 18 through "25%" on line 20

**Insert:** "50%"

And, as amended, be concurred in. Report adopted.

**SB 39**, be amended as follows:

1. Page 3, line 4 through line 13.

**Strike:** subsection (3) in its entirety

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**Insert:** "(3) A person using a wheelchair or other vehicle designed specifically for use by a physically disabled person shall use sidewalks if use of sidewalks is practicable. If use of sidewalks is unsafe or not practicable, the person may use the wheelchair or other vehicle on a highway, as far as practicable from the center of the roadway."

2. Page 3.

**Following:** line 15

**Insert:** "COORDINATION SECTION. Section 7. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the code commissioner shall include the revisions to the definitions of "motor vehicle", "vehicle", and "pedestrian" in [this act] in the definitions of those terms in Senate Bill No. 285."

And, as amended, be concurred in. Report adopted.

**SB 123**, be concurred in. Report adopted.

**SB 194**, be amended as follows:

1. Page 1, line 30.

**Following:** "quadricycle"

**Insert:** "and that includes operation of the quadricycle under typical off-highway conditions"

And, as amended, be concurred in. Report adopted.

**SB 244**, be amended as follows:

1. Title, line 4.

**Following:** "VEHICLES"

**Insert:** "AND CAMPERS"

2. Title, line 6.

**Following:** "SECTIONS"

**Insert:** "61-1-129,"

3. Page 1.

**Following:** line 9

**Insert:** "**Section 1.** Section 61-1-129, MCA, is amended to read:

**"61-1-129. Camper.** (1) The term "camper" as used in 61-1-102 and 61-10-102 includes but is not limited to truck camper, chassis-mounted camper, cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(2) The term does not include a truck canopy cover or topper."

**Renumber:** subsequent sections

4. Page 2, line 30.

**Following:** "61-1-132,"

**Insert:** "and a camper, as defined in 61-1-129,"

5. Page 3, line 2.

**Following:** "vehicle"

**Insert:** "or camper"

6. Page 3, line 3.

**Following:** the first "recreational vehicle"

**Insert:** ", "

**Strike:** "or"

**Insert:** "the camper,"

**Following:** the second "recreational vehicle"

**Insert:** ", or the motor vehicle providing motive power"

7. Page 3, line 5.

**Following:** "recreational vehicle"

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**Insert:** "or camper"

8. Page 3, line 6.

**Following:** "vehicle"

**Insert:** "or camper"

9. Page 3, line 7.

**Following:** "vehicle"

**Insert:** "or camper"

10. Page 3.

**Following:** line 13

**Insert:** "COORDINATION SECTION. Section 5. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the code commissioner shall include the revisions to the definition of "travel trailer" in [this act] in the definition of that term in Senate Bill No. 285."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 3/14/2005

**SB 109**, introduced by Cobb

**SB 442**, introduced by Cooney

**Senate joint resolution** passed and transmitted to the House for concurrence: 3/14/2005

**SJR 20**, introduced by Curtiss

**House bills** concurred in and returned to the House: 3/14/2005

**HB 20**, introduced by Dickenson

**HB 86**, introduced by Kaufmann

**HB 155**, introduced by Barrett

**HB 183**, introduced by Franklin

**HB 184**, introduced by McAlpin

**HB 198**, introduced by Villa

**HB 207**, introduced by McKenney

**HB 350**, introduced by Butcher

**HB 354**, introduced by Noennig

**HB 397**, introduced by Dowell

**HB 598**, introduced by Gallik

**HB 612**, introduced by Maedje

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/14/2005

**HB 55**, introduced by Wanzenried

**HB 182**, introduced by Roberts

**HB 216**, introduced by Caferro

**HB 218**, introduced by B. Olson

**HB 250**, introduced by Becker

**HB 254**, introduced by Harris

**HB 317**, introduced by Hamilton

**HB 701**, introduced by Noennig

**FIRST READING AND COMMITMENT OF BILLS**

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The following House bill was introduced, read first time, and referred to committee:

**HB 787**, introduced by Maedje, referred to Federal Relations, Energy, and Telecommunications.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 109**, introduced by Cobb, referred to State Administration.

**SB 442**, introduced by Cooney, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 20**, introduced by Curtiss, Bales, Barkus, Everett, Keenan, Story, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 671** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Klock, Koopman, Lake, McGillvray, McKenney, Mendenhall, Milburn, A. Olson, Rice, Sales, Sinrud, Sonju, Stahl, Ward, Wells, Windham, Witt.  
Total 28

Excused: Small-Eastman.  
Total 1

Absent or not voting: Maedje, Wagman.  
Total 2

**SB 53** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Koopman, Maedje, McGillvray, Sales, Ward, Wells.  
Total 7

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.

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Total 0

**SB 54** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Small-Eastman.

Total 1

Absent or not voting: Campbell, Peterson.

Total 2

**SB 454** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Balyeat.

Total 1

Excused: Small-Eastman.

Total 1

Absent or not voting: Grinde.

Total 1

**SB 106** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Barrett.

Total 1



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Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 141** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Facey, Golie, A. Olson, B. Olson, Waitschies, Wilson.  
Total 6

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noonan in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 514** - Representative Gutsche moved **HB 514** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Witt.  
Total 32

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 667** - Representative Wanzenried moved **HB 667** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lambert, Malcolm, McGillvray, McKenney, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sonju, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 31

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 16** - Representative Jacobson moved **SB 16** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Hawk, Lake, Ross.  
Total 3

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 57** - Representative Andersen moved **SB 57** be concurred in.

**SB 57** - Representative Villa moved **SB 57**, second reading copy, be amended as follows:

1. Title, page 1, line 6.  
**Strike:** "SECTION"  
**Insert:** "SECTIONS 20-5-322, 20-7-420,"  
**Following:** "20-9-707,"  
**Insert:** "AND 20-10-105,"

2. Page 1, line 11.  
**Following:** line 10

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**Insert:** "Section 1. Section 20-5-322, MCA, is amended to read:

**"20-5-322. Residency determination -- notification -- appeal for attendance agreement.** (1) In considering an out-of-district attendance agreement, except as provided in 20-9-707, the trustees shall determine the child's district of residence on the basis of the provisions of 1-1-215.

(2) Within 10 days of the initial application for an agreement, the trustees of the district of choice shall notify the parent or guardian of the child and the trustees of the district of residence involved in the out-of-district attendance agreement of the anticipated date for approval or disapproval of the agreement.

(3) Within 10 days of approval or disapproval of an out-of-district attendance agreement, the trustees shall provide copies of the approved or disapproved attendance agreement to the parent or guardian and to the child's district of residence.

(4) Within 15 days of receipt of an approved out-of-district attendance agreement, the trustees of the district of residence shall approve or disapprove the agreement under the provisions of this part and forward the completed agreement to the county superintendent of schools of the county of residence, the trustees of the district of choice, and the parent or guardian.

(5) If an out-of-district attendance agreement is disapproved or no action is taken, the parent may appeal the disapproval or lack of action to the county superintendent and, subsequently, to the superintendent of public instruction under the provisions for the appeal of controversies in this title."

**Insert:** "Section 2. Section 20-7-420, MCA, is amended to read:

**"20-7-420. Residency requirements -- financial responsibility for special education.** (1) ~~In accordance with the provisions of 1-1-215~~ Except for a pupil attending a job corps program pursuant to 20-9-707, a child's district of residence for special education purposes ~~is the residence of the child's parents or of the child's guardian if the parents are deceased~~ must be determined in accordance with the provisions of 1-1-215, unless otherwise determined by the court. This applies to a child living at home, in an institution, or under foster care. If the parent has left the state, the parent's last-known district of residence is the child's district of residence.

(2) The county of residence is financially responsible for tuition and transportation as established under 20-5-323 and 20-5-324 for a child with a disability, as defined in 20-7-401, who attends school outside the district and county of residence because the student has been placed by a state agency in a foster care or group home licensed by the state. The county of residence is not financially responsible for tuition and transportation for a child who is placed by a state agency in an out-of-state public school or an out-of-state private residential facility.

(3) If an eligible child, as defined in 20-7-436, is receiving inpatient treatment in an in-state residential treatment facility or children's psychiatric hospital, as defined in 20-7-436, and the educational services are provided by a public school district under the provisions of 20-7-411 or 20-7-435, the superintendent of public instruction shall reimburse the district providing the services for the negotiated amount, as established pursuant to 20-7-435(5), that represents the district's costs of providing education and related services. Payments must be made from funds appropriated for this purpose. If the negotiated amount exceeds the daily membership rate under 20-7-435(3) and any per-ANB amount of direct state aid, the superintendent of public instruction shall pay the remaining balance from available funds. However, the amount spent from available funds for this purpose may not exceed \$500,000 during a biennium.

(4) A state agency that makes a placement of a child with a disability is responsible for the financial costs of room and board and the treatment of the child. The state agency that makes an out-of-state placement of a child with a disability is responsible for the education fees required to provide a free appropriate public education that complies with the requirements of Title 20, chapter 7, part 4."

**Renumber:** subsequent sections

3. Page 2, line 2.

**Following:** line 1

**Insert:** "Section 4. Section 20-10-105, MCA, is amended to read:

**"20-10-105. Determination of residence.** When the residence of an eligible transportee is a matter of controversy and is an issue before a board of trustees, a county transportation committee, or the superintendent of public instruction, except as provided in 20-9-707, the residence must be established on the basis of the general state residence law as provided in 1-1-215. Whenever a county is determined to be responsible for paying tuition for any pupil in accordance with 20-5-321 through 20-5-323, the residence of the pupil for tuition purposes is the residence of the pupil for transportation purposes."

**Renumber:** subsequent section

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Sales.  
Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 57** - Representative Andersen moved **SB 57**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 117** - Representative Villa moved **SB 117** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

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Noes: Koopman, Sinrud.  
Total 2

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 170** - Representative Raser moved **SB 170** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Balyeat, D. Brown, Everett, Hawk, Malcolm, McNutt, Morgan, Ripley, Sonju, Ward, Windham.  
Total 11

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 171** - Representative Facey moved **SB 171** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, Everett, Hawk, Jayne, Malcolm, McGillvray, Morgan, Ripley, Waitschies, Ward.  
Total 10

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 188** - Representative Milburn moved **SB 188** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 189** - Representative Gallik moved **SB 189** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: R. Brown, Gutsche.

Total 2

**SB 235** - Representative A. Olson moved **SB 235** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

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Noes: Jayne.  
Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 243** - Representative Furey moved **SB 243** be concurred in.

**SB 243** - Representative Furey moved **SB 243**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "SUBWAREHOUSE;"

**Insert:** "PROVIDING THAT A BEER WHOLESALER THAT IS ALSO A LICENSED TABLE WINE DISTRIBUTOR MAY STORE WINE IN ANY WAREHOUSE OR SUBWAREHOUSE OF THE BEER WHOLESALER;"

2. Page 1, line 12.

**Following:** "subwarehouse"

**Insert:** "-- wine storage"

3. Page 1, following line 27.

**Insert:** "(4) A wholesaler that is also licensed as a table wine distributor may store wine in any of the wholesaler's warehouses or subwarehouses."

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Golie, Jackson, W. Jones, McGillvray, Villa, Wagman, Windham, Windy Boy.  
Total 8

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Keane, Stoker.  
Total 2

**SB 243** - Representative Furey moved **SB 243**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock,

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Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Hawk, W. Jones, McGillvray, Sinrud, Wagman, Windham, Windy Boy.

Total 7

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 278** - Representative L. Jones moved **SB 278** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Koopman.

Total 1

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 356** - Representative Noennig moved **SB 356** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Small-Eastman, Aye.



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Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noonan moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Barrett, Hawk, Koopman, Mendenhall, Morgan, Sales, Sonju, Villa, Wells, Wilson.  
Total 10

Excused: Small-Eastman.  
Total 1

Absent or not voting: Balyeat, Buzzas, Malcolm, Noonan.  
Total 4

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 667 to the House Appropriations Committee. Without objection, so ordered.

Rep. Maedje moved the House reconsider its action of Saturday, March 12, 2005, on HB 277. Speaker Matthews stated this requires a majority vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Sesso, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Branae, D. Brown, Hawk, Jayne, Koopman, Lake, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, B. Olson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Waitschies, Windham.  
Total 20

Excused: Small-Eastman.  
Total 1

Absent or not voting: Jent.  
Total 1

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Tuesday, March 15, 2005. Motion carried.

House adjourned at 2:35 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
March 15, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

Entertainment was provided by a Kalispell home school choir.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:00 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

3/15/2005

Correctly printed: **HB 759**.

Signed by the Chief Clerk of the House at 1:50 p.m., March 14, 2005: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.

Signed by the Speaker at 3:00 p.m., March 14, 2005: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.

Signed by the President at 4:00 p.m., March 14, 2005: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.

Correctly engrossed: **HB 124**.

Signed by the Chief Clerk of the House at 3:40 p.m., March 14, 2005: **HB 308**.

Signed by the Speaker at 3:50 p.m., March 14, 2005: **HB 308**.

Signed by the President at 4:45 p.m., March 14, 2005: **HB 308**.

Signed by the Chief Clerk of the House at 11:20 a.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.

Signed by the Speaker at 11:40 a.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.

Signed by the President at 3:45 p.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.

Correctly enrolled: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612**.

Delivered to the Secretary of State at 8:05 a.m., March 15, 2005: **HJR 4, HJR 11, HJR 22, HJR 24**.

Delivered to the Governor for approval at 8:20 a.m., March 15, 2005: **HB 14, HB 24, HB 25, HB 26, HB 56, HB 64, HB 110, HB 112, HB 138, HB 139, HB 144, HB 154, HB 160, HB 178, HB 215, HB 255, HB 266, HB 308, HB 312, HB 313, HB 439, HB 609**.

**APPROPRIATIONS** (Buzzas, Chairman):

3/15/2005

**HB 236**, introduced bill, be amended as follows:

1. Page 2, line 23.

Following: "local"

Insert: "and tribal"

And, as amended, do pass. Report adopted.

**HB 327**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 385**, do pass. Report adopted.

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**HB 475**, do pass. Report adopted.

**HB 513**, do pass. Report adopted.

**HB 541**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 628**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "RESIDENTIAL"

**Insert:** "OR OUTDOOR"

2. Page 1, line 13.

**Following:** "residential"

**Insert:** "or outdoor"

3. Page 1, line 14.

**Following:** "residential"

**Insert:** "or outdoor"

4. Page 1, line 18.

**Strike:** "2"

**Insert:** "3"

5. Page 1, line 22.

**Insert:** "NEW SECTION. **Section 2. Purpose.** The purpose of the board is to examine the benefit of licensing private alternative adolescent residential or outdoor programs as a public service to monitor and maintain a high standard of care and to ensure the safety and well-being of the adolescents and parents using the programs. Necessary licensure processes and safety standards for programs are best developed and monitored by the professionals that are actively engaged in providing private alternative adolescent residential care."

**Renumber:** subsequent sections

6. Page 1, line 23.

**Strike:** "[section 3]"

**Insert:** "[sections 2 through 4]"

7. Page 1, line 24.

**Following:** "residential"

**Insert:** "or outdoor"

8. Page 1, line 27.

**Following:** "residential"

**Insert:** "or outdoor"

9. Page 2, line 2.

**Strike:** "youth care facilities as provided in 52-2-602"

**Insert:** "any program that is required to be licensed or regulated by the state under Title 50, 52, or 53"

10. Page 2, line 17.

**Strike:** "whether"

**Following:** "standards"

**Insert:** "that"

11. Page 2, line 18.

**Following:** line 17

**Insert:** "(d) examine the quality of child care available in the various programs, any aspects of existing programs that need improvement, and the positive contributions to or negative interactions with local communities;"

**Renumber:** subsequent subsections

12. Page 2, line 19.

**Strike:** "2007 legislature"

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**Insert:** "economic affairs interim committee"  
**Following:** "findings"  
**Strike:** "and"  
**Insert:** ", "  
**Following:** "recommendations"  
**Insert:** ", and proposed legislation, if any, by September 15, 2006"

13. Page 3, line 13.  
**Strike:** "and 3"  
**Insert:** "through 4"

14. Page 3, line 14.  
**Strike:** "and 3"  
**Insert:** "through 4"

And, as amended, do pass. Report adopted.

**HB 672**, do pass. Report adopted.  
**HB 700**, do pass. Report adopted.  
**HB 721**, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):  
**SB 103**, be concurred in. Report adopted.

3/15/2005

**EDUCATION** (Galvin-Halcro, Chairman):  
**SB 359**, be concurred in. Report adopted.  
**SJR 12**, be amended as follows:

3/15/2005

1. Page 1, line 11.  
**Strike:** "civic"  
**Insert:** "citizenship and patriotic"

2. Page 1, line 13.  
**Strike:** "the communities in which"  
**Insert:** "one of the places where"

3. Page 1, line 24.  
**Following:** "law,"  
**Strike:** "and"  
**Following:** "democracy"  
**Insert:** ", and freedom"

4. Page 1, line 25.  
**Following:** line 24  
**Insert:** "(2) foster an appreciation for America's founders, our free institutions, and the moral and intellectual foundations of our nation;"  
**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):  
**SB 29**, be concurred in. Report adopted.  
**SB 121**, be concurred in. Report adopted.  
**SB 127**, be amended as follows:

3/15/2005

1. Page 7, line 9.  
**Following:** "who are"  
**Insert:** "seriously"

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And, as amended, be concurred in. Report adopted.

**SB 153**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman):

3/15/2005

**SB 264**, be concurred in. Report adopted.

**SB 282**, be concurred in. Report adopted.

**SB 352**, be concurred in. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

3/15/2005

**SB 369**, be amended as follows:

1. Page 2.

**Following:** line 18

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the code commissioner shall change all references to vehicle in subsection (2)(c) of 61-4-129 in [this act] to references to motor vehicle."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

3/15/2005

**SB 493**, introduced by Laslovich

**House bills** concurred in and returned to the House:

3/15/2005

**HB 39**, introduced by Gutsche

**HB 81**, introduced by Ross

**HB 82**, introduced by Ross

**HB 158**, introduced by McKenney

**HB 224**, introduced by Ross

**HB 273**, introduced by Lambert

**HB 437**, introduced by Caferro

**HB 557**, introduced by Butcher

**House joint resolutions** passed and returned to the House for concurrence:

3/15/2005

**HJR 13**, introduced by Clark

**HJR 29**, introduced by Rice

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/15/2005

**HB 135**, introduced by D. Brown

**HB 156**, introduced by Henry

**HB 208**, introduced by Kaufmann

**HB 537**, introduced by Wanzenried

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/15/2005

**HJR 17**, introduced by McAlpin

**FIRST READING AND COMMITMENT OF BILLS**

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The following House bills were introduced, read first time, and referred to committees:

**HB 788**, introduced by MacLaren, Tropila, referred to Transportation.

**HB 789**, introduced by Maedje, Curtiss, Heinert, referred to Fish, Wildlife and Parks.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 493**, introduced by Laslovich, referred to Judiciary.

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 569 from 2nd Reading to the Taxation Committee. Motion carried with a voice vote.

Dem. Floor Leader Parker moved the House reconsider its actions on SB 117 and place SB 117 back on 2nd Reading. Without objection, so ordered.

Dem. Floor Leader Parker moved SB 152 on 2nd Reading be passed for the day. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 514** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Taylor, Wagman, Waitschies.  
Total 28

Excused: Small-Eastman.  
Total 1

Absent or not voting: Gutsche, Sales.  
Total 2

**SB 16** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

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Noes: Hawk, Lake, Lambert, Ross.  
Total 4

Excused: Small-Eastman.  
Total 1

Absent or not voting: L. Jones.  
Total 1

**SB 170** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Hawk, Koopman, Malcolm, Ward, Windham.  
Total 6

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 171** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Hawk, Malcolm, McGillvray, Morgan, Stahl, Ward.  
Total 7

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 188** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B.



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Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Furey, Waitschies.

Total 2

Excused: Small-Eastman.

Total 1

Absent or not voting: Caferro.

Total 1

**SB 189** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Buzzas.

Total 1

Excused: Small-Eastman.

Total 1

Absent or not voting: W. Jones.

Total 1

**SB 235** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Small-Eastman.

Total 1

Absent or not voting: Grinde.

Total 1

**SB 278** concurred in as follows:

*STATE INTERNET/BBS COPY*

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 356** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sales in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 406** - Representative Bergren moved **HB 406** do pass.

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be amended as follows:

1. Page 2, line 18.

**Following:** "or lamb who"

**Insert:** "knowingly or purposely"

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2. Page 2, line 22.

**Following:** "\$250;"

**Insert:** "and"

3. Page 2, line 23.

**Following:** "third"

**Insert:** "or subsequent"

**Following:** "\$500"

**Strike:** "; and"

**Insert:** "."

4. Page 2, lines 24 and 25.

**Strike:** subsection (d) in its entirety

5. Page 3, line 1.

**Strike:** "has the meaning"

**Insert:** "and "purposely" have the meanings"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: Butcher, Furey.

Total 2

**HB 406** - Representative Peterson moved **HB 406**, second reading copy, be further amended as follows:

1. Page 3, line 27.

**Following:** "DATES"

**Insert:** " -- contingent voidness"

2. Page 3, line 27.

**Strike:** "SUBSECTION"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

3. Page 3, line 30.

**Insert:** "(3) (a) The department of labor and industry shall request an official opinion from the United States department of agriculture, agricultural marketing service, regarding whether the federal country of origin labeling law preempts any portion of [this act].

(b) If the official opinion is that the federal country of origin labeling law preempts any portion of [this

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act], this act is void and the department of labor and industry shall inform the code commissioner. If the official opinion is that the federal country of origin labeling law does not preempt any portion of [this act], [this act] is effective as provided in this section and the department of labor and industry shall notify the code commissioner."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Voted Absentee: Small-Eastman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 406** - Representative Bergren moved **HB 406**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Butcher, Heinert, Jackson, Jent, W. Jones, Koopman, Lake, Maedje, Malcolm, McKenney, Mendenhall, Morgan, B. Olson, Sinrud, Stoker, Waitschies.  
Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 187** - Representative Noennig moved **SB 187** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert,

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Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, Barrett, Bergren, Everett, Koopman, Malcolm, Mendenhall, Rice, Stahl.  
Total 9

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Branae.  
Total 1

**HB 124** - Representative Facey moved **HB 124** do pass.

**HB 124** - Representative Gallik moved **HB 124**, second reading copy, be amended. Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Caferro, Dowell, Eaton, Furey, Gallik, Galvin-Halcro, Jacobson, Juneau, Kaufmann, Lindeen, Musgrove, Raser, Windy Boy, Wiseman.  
Total 17

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Everett, Facey, Franklin, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 82

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 124** - Representative Facey moved **HB 124** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 74

Noes: D. Brown, R. Brown, Butcher, Buzzas, Callahan, Everett, Franklin, Hawk, Himmelberger, Jackson, Koopman, Lindeen, Malcolm, McGillvray, Mendenhall, Morgan, Roberts, Ross, Sales, Sonju, Stahl, Wagman, Ward, Wells, Witt, Mr. Speaker.

Total 26

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Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 742** - Representative Buzzas moved **HB 742** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 62

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Callahan, Everett, Glaser, Hawk, Himmelberger, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 38

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 759** - Representative Koopman moved **HB 759** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Branae, Buzzas, Callahan, Dickenson, Franklin, Gutsche, Hiner, Wilson, Windham, Windy Boy.  
Total 10

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Furey, Lindeen.  
Total 2

**HB 277** - Representative Maedje moved **HB 277** do pass.

**HB 277** - Representative Maedje moved **HB 277**, second reading copy, be amended. Amendment **not** adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.  
Total 46

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, Milburn, Musgrove, Noonan, Parker, Raser, Ripley, Sales, Sesso, Sinrud, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Excused: Small-Eastman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 277** - Representative Maedje moved **HB 277** do pass. Motion **failed** as follows:

Ayes: Arntzen, Barrett, Becker, Branae, D. Brown, Butcher, Everett, Glaser, Golie, Harris, Heinert, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Wagman, Waitschies, Ward, Warden, Wilson, Witt, Mr. Speaker.  
Total 46

Noes: Andersen, Balyeat, Bergren, Bixby, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Koopman, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Noonan, Parker, Raser, Ripley, Sales, Sinrud, Stoker, Taylor, Villa, Wanzenried, Wells, Windham, Windy Boy, Wiseman.  
Total 54

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 51** - Representative Bergren moved **SB 51** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Small-Eastman, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 64** - Representative Milburn moved **SB 64** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: D. Brown, Everett, Hawk, Koopman, Maedje, Sonju, Stahl.  
Total 7

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 84** - Representative Galvin-Halcro moved **SB 84** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Andersen, Buzzas, Cohenour, Everett, Gallik, Hawk, Lake, McGillvray, Rice, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells, Windham.  
Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**SB 98** - Representative Sesso moved **SB 98** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm,



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McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Small-Eastman, Sonju, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 74

Noes: Andersen, Barrett, Butcher, Caferro, Everett, Golie, Hawk, Hendrick, Jayne, L. Jones, Kaufmann, Koopman, Maedje, McGillvray, Mendenhall, Milburn, Peterson, Rice, Roberts, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Wells.

Total 26

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sales moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: Everett, Gallik, Hawk, Koopman, Maedje, McGillvray, Mendenhall, Sinrud, Stahl, Wagman, Wells.

Total 11

Excused: Small-Eastman.

Total 1

Absent or not voting: D. Brown, Keane, Sales.

Total 3

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 124 and HB 742 to the House Appropriations Committee. Without objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 24. There being no questions, this bill will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, March 16, 2005. Motion carried.

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House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 16, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Waitschies. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**MOTIONS**

Dem. Leader Wanzenried moved the House suspend the rules to allow for debate on HJR 2 today and place HJR 2 as item #5 on the 2nd Reading agenda. Motion carried with a voice vote.

Dem. Floor Leader Parker moved SB 117 be moved to the bottom of the 2nd Reading board. Without objection, so ordered.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 12:55 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 3/16/2005  
Correctly printed: **HB 327, HB 385, HB 475, HB 513, HB 541, HB 672, HB 700, HB 721.**  
Correctly engrossed: **HB 236, HB 406, HB 628, HJR 2.**  
Correctly enrolled: **HB 39, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**  
Examined by the sponsor and found to be correct: **HB 20, HB 39, HB 79, HB 81, HB 82, HB 86, HB 114, HB 131, HB 155, HB 158, HB 183, HB 184, HB 187, HB 198, HB 207, HB 224, HB 242, HB 273, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 437, HB 508, HB 564, HB 598, HB 612, HJR 13.**  
Signed by the Chief Clerk of the House at 4:00 p.m., March 15, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**  
Signed by the Speaker at 10:00 a.m., March 16, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**

**AGRICULTURE** (Butcher, Chairman): 3/16/2005  
**SB 136**, be concurred in and placed on the consent calendar. Report adopted.

**APPROPRIATIONS** (Buzzas, Chairman): 3/16/2005  
**HB 22**, introduced bill, do pass and be placed on the consent calendar. Report adopted.  
**HB 169**, do pass. Report adopted.  
**HB 364**, introduced bill, be amended as follows:

1. Page 3, line 20.

**Insert:** "**NEW SECTION. Section 7. Contingent voidness.** (1) The department of public health and human services shall seek a determination from the appropriate federal agency whether [this act] is in compliance with federal law or regulations, and if [this act] is determined to be in violation of federal law or regulations, [this act] is void.

(2) Upon a determination that [this act] is or is not in violation of federal law or regulation, the department of public health and human services shall notify the code commissioner of the determination."

And, as amended, do pass. Report adopted.

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**HB 368**, do pass. Report adopted.

**HB 470**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 536**, do pass. Report adopted.

**HB 577**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 673**, do pass. Report adopted.

**HB 728**, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "PROVIDING" on line 9 through "FUND;" on line 10

2. Page 1, line 21 through line 22.

**Following:** "funding"

**Strike:** remainder of line 21 through "subsection (4)" on line 22

3. Page 1, line 23 through line 24.

**Strike:** subsection (4) in its entirety

4. Page 2, line 17.

**Strike:** "10-2-601;"

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

3/16/2005

**SB 105**, be amended as follows:

1. Page 2, line 2.

**Strike:** "services"

**Insert:** "attendance"

And, as amended, be concurred in. Report adopted.

**SB 135**, be concurred in. Report adopted.

**SB 326**, be amended as follows:

1. Page 3, line 7.

**Following:** "\$500"

**Insert:** "25% of the total cost of repairing the underground facility not to exceed"

2. Page 3, line 8.

**Following:** "\$2,500"

**Insert:** "50% of the total cost of repairing the underground facility not to exceed"

3. Page 3, line 30 through page 4, line 1.

**Strike:** "IF" on page 3, line 30 through "FEE" on page 4, line 1

**Insert:** "(1) Except as provided in subsection (2), damage fees collected by owners of underground facilities must be distributed"

4. Page 4, following line 4.

**Insert:** "(2) The underground facility owner is not liable for the distribution of damage fees to the one-call notification center in the event that those fees are not collected from the excavator."

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman):

3/16/2005

**SB 355**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

3/16/2005

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**HB 752**, do pass. Report adopted.

**SB 81**, be concurred in and placed on the consent calendar. Report adopted.

**SB 160**, be concurred in and placed on the consent calendar. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/16/2005

**HB 584**, introduced bill, be amended as follows:

1. Page 3, line 11.

**Strike:** "completion"

**Insert:** "start"

2. Page 3, line 13.

**Following:** "name,"

**Insert:** "primary home address,"

3. Page 3, line 21.

**Following:** "preproduction to"

**Insert:** "the start and"

4. Page 3, line 23.

**Strike:** "and"

5. Page 3, line 25.

**Following:** "45-8-201(2)"

**Insert:** "; and

(k) if the production is a feature-length film, a statement that the production will include a line in the production's film credits that the production was filmed in Montana"

6. Page 3, line 30.

**Following:** "(b)"

**Insert:** "(i)"

**Strike:** "If"

**Insert:** "Subject to subsection (4)(b)(ii), if"

7. Page 4.

**Following:** line 1

**Insert:** "(ii) If the production is a feature-length film, the production company and the department of commerce, prior to the issuance of the certification number, shall enter into an agreement that the production company will comply with the provisions of subsection (2)(k). The agreement may provide for remedies if the production company violates the agreement."

8. Page 5, line 5.

**Strike:** "15%"

**Insert:** "10%"

9. Page 5, line 7.

**Following:** the second "department,"

**Insert:** "a list of all cast and crew participating in the production and"

10. Page 5, line 16.

**Following:** "A"

**Insert:** "C."

**Strike:** "a small business"

**Insert:** "an S."

**Following:** the second "corporation,"

**Insert:** "or"

11. Page 5, line 16 through line 17.

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**Strike:** ", a limited" on line 16 through "company" on line 17

12. Page 5, line 17.

**Following:** "by"

**Strike:** "a"

13. Page 5, line 18.

**Strike:** "small business"

**Insert:** "an S."

**Following:** "corporation"

**Strike:** ", "

**Insert:** "or"

**Following:** "a partnership, "

**Strike:** "a limited" through "company, "

14. Page 5, line 19.

**Strike:** "individual"

**Following:** "partners, "

**Insert:** "or"

**Strike:** ", or managers"

15. Page 5, line 30.

**Strike:** "10%"

**Insert:** "7%"

16. Page 6, line 8.

**Following:** "A"

**Insert:** "C."

**Strike:** "a small business"

**Insert:** "an S."

**Following:** the second "corporation, "

**Insert:** "or"

17. Page 6, line 8 through line 9.

**Strike:** ", a limited" on line 8 through "company" on line 9

18. Page 6, line 9.

**Following:** "by"

**Strike:** "a"

19. Page 6, line 10.

**Strike:** "small business"

**Insert:** "an S."

**Following:** "corporation"

**Strike:** ", "

**Insert:** "or"

**Following:** "a partnership, "

**Strike:** "a limited" through "company, "

20. Page 6, line 11.

**Strike:** "individual"

**Following:** "partners, "

**Insert:** "or"

**Strike:** ", or managers"

And, as amended, do pass. Report adopted.

**HJR 2**, introduced joint resolution, be amended as follows:

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1. Title, line 8.

**Strike:** "PRELIMINARY"

2. Page 2, line 15.

**Strike:** "\$1,384,639,000"

**Insert:** "\$1,396,528,000"

**Strike:** "\$1,429,143,000"

**Insert:** "\$1,425,745,000"

3. Page 2, line 16.

**Strike:** "\$1,469,173,000"

**Insert:** "\$1,467,194,000"

4. Page 2, line 17.

**Strike:** "preliminary"

5. Page 2, line 18.

**Strike:** "\$135,254,000"

**Insert:** "\$132,873,000"

6. Page 3, line 12.

**Strike:** "\$588.638"

**Insert:** "\$604.062"

7. Page 3, line 19.

**Strike:** "35.999"

**Insert:** "33.892"

**Strike:** "36.790"

**Insert:** "33.563"

**Strike:** "37.244"

**Insert:** "33.899"

8. Page 4, line 7.

**Strike:** "10.602"

**Insert:** "9.174"

**Strike:** "13.287"

**Insert:** "13.116"

**Strike:** "13.015"

**Insert:** "14.381"

9. Page 5, line 5.

**Strike:** "\$1,384.639"

**Insert:** "\$1,396.528"

**Strike:** "\$1,429.143"

**Insert:** "\$1,425.745"

**Strike:** "\$1,469.173"

**Insert:** "\$1,467.194"

10. Page 10.

**Following:** line 3

**Insert:** "Permanent Coal Trust Interest Earnings

FY Capital Gains (Millions)      \$12.315   \$6.400   \$3.000   \$3.000"

11. Page 13, line 1.

**Strike:** the second "\$311.478"

**Insert:** "\$351.478"

**Strike:** "\$311.478"

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**Insert:** "\$351.478"  
**Strike:** "\$311.478"  
**Insert:** "\$351.478"

12. Page 13, line 2.  
**Strike:** "3.40% "  
**Insert:** "2.77% "  
**Strike:** "4.27% "  
**Insert:** "3.73% "  
**Strike:** "4.18% "  
**Insert:** "4.09% "

13. Page 18, line 1.  
**Strike:** "\$127.007"  
**Insert:** "\$130.336"  
**Strike:** "\$124.916"  
**Insert:** "\$130.916"

14. Page 18, line 3.  
**Strike:** "60.373"  
**Insert:** "59.004"  
**Strike:** "59.307"  
**Insert:** "56.809"  
**Strike:** "58.106"  
**Insert:** "55.568"

15. Page 18, line 7.  
**Strike:** "7.401"  
**Insert:** "6.898"  
**Strike:** "7.417"  
**Insert:** "6.626"  
**Strike:** "7.420"  
**Insert:** "6.627"

16. Page 18, line 8.  
**Strike:** "9.094"  
**Insert:** "8.337"  
**Strike:** "9.704"  
**Insert:** "8.578"  
**Strike:** "10.230"  
**Insert:** "9.071"

17. Page 18, line 12.  
**Strike:** "1.163"  
**Insert:** "1.080"  
**Strike:** "1.191"  
**Insert:** "1.061"  
**Strike:** "1.217"  
**Insert:** "1.086"

18. Page 18, line 14.  
**Strike:** "3.123"  
**Insert:** "2.841"  
**Strike:** "3.709"  
**Insert:** "3.301"  
**Strike:** "4.230"  
**Insert:** "3.820"



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19. Page 18, line 15.

**Strike:** "1.487"

**Insert:** "1.348"

**Strike:** "1.757"

**Insert:** "1.553"

**Strike:** "2.007"

**Insert:** "1.797"

20. Page 18, line 16.

**Strike:** "0.388"

**Insert:** "0.373"

**Strike:** "0.388"

**Insert:** "0.365"

**Strike:** "0.389"

**Insert:** "0.366"

21. Page 18, line 17.

**Strike:** "0.338"

**Insert:** "0.315"

**Strike:** "0.351"

**Insert:** "0.315"

**Strike:** "0.364"

**Insert:** "0.328"

22. Page 18, line 18.

**Strike:** "0.304"

**Insert:** "0.289"

**Strike:** "0.305"

**Insert:** "0.282"

**Strike:** "0.306"

**Insert:** "0.283"

23. Page 18, line 19.

**Strike:** "\$336.370"

**Insert:** "\$333.184"

**Strike:** "\$337.724"

**Insert:** "\$335.814"

**Strike:** "\$339.627"

**Insert:** "\$340.303"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

3/16/2005

**SB 48**, introduced by Harrington

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 790**, introduced by Peterson, Roush, Larson, Matthews, Wanzenried, Tester, Gebhardt, Brueggeman, referred

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to Natural Resources.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 48**, introduced by Harrington, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 759** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Buzzas, Callahan, Dickenson, Franklin, Groesbeck, Gutsche, Jopek.

Total 7

Excused: None.

Total 0

Absent or not voting: A. Olson, Windham.

Total 2

**SB 51** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Koopman.

Total 1

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

**SB 57** concurred in as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Buzzas.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Lambert, A. Olson.  
Total 2

**SB 64** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Everett, Hawk, Koopman, Sales.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 84** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Buzzas, Clark, Cohenour, Everett, Gallik, Gutsche, Hawk, Jackson, Lambert, McGillvray, Rice, Sales, Sinrud, Stoker, Wagman, Waitschies, Wanzenried, Wells, Windham.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Klock.

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Total 1

**SB 98** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Butcher, Everett, Golie, Hawk, Hendrick, Jayne, Koopman, Lake, Mendenhall, Rice, Sales, Sinrud, Wagman, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 187** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, Barrett, Bergren, Everett, Heinert, Koopman, Malcolm, Mendenhall, Rice, Ripley, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 243** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Buzzas, Hawk, McGillvray, Stoker, Wagman, Windham.

Total 6

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Excused: None.  
Total 0

Absent or not voting: Lindeen.  
Total 1

**SB 24** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Villa in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 152** - Representative Lindeen moved **SB 152** be concurred in.

**SB 152** - Representative Lindeen moved **SB 152**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ESTABLISHED;"

**Insert:** "PROVIDING DEFINITIONS;"

2. Title, page 1, line 20.

**Following:** "SECTIONS"

**Insert:** "20-1-101,"

**Following:** "20-7-101"

**Insert:** ", "

3. Page 3, line 13 through line 14.

**Following:** "needs" on line 13

**Strike:** remainder of line 13 through the second "students" on line 14

**Insert:** ", such as:

- (i) a child with a disability, as defined in 20-7-401;
- (ii) an at-risk student;
- (iii) a student with limited English proficiency;

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- (iv) a child who is qualified for services under 29 U.S.C. 794;           and  
(v) gifted and talented children, as defined in 20-7-901"

4. Page 3, line 18.

**Strike:** ", well-prepared," through "administrators"

**Insert:** "and effective teachers or administrators and qualified staff"

5. Page 3, line 20.

**Strike:** "onsite"

**Following:** "technologies"

**Insert:** "associated with meeting the accreditation standards"

6. Page 3, lines 27 and 28.

**Following:** "schools" on line 27

**Insert:** "and in making adjustments to the funding formula"

**Following:** "factors" on line 27

**Strike:** remainder of line 27 through "formula" on line 28

7. Page 3, line 30.

**Strike:** "and school districts"

8. Page 4, line 1.

**Strike:** "school districts and school districts"

**Insert:** "schools"

9. Page 4, line 2.

**Following:** "of"

**Strike:** "at-risk students,"

**Following:** "needs"

**Strike:** "or disabilities, students"

**Insert:** ", such as a child with a disability, an at-risk student, a student"

10. Page 4, line 3.

**Following:** "proficiency,"

**Insert:** "a child who is qualified for services under 29 U.S.C. 794,"

**Strike:** "students"

**Insert:** "children"

11. Page 4, line 10.

**Following:** "schools"

**Insert:** "and reflects the costs associated with providing that system as determined in subsection (4)(a)"

12. Page 4, line 14.

**Strike:** "education"

13. Page 4, line 24.

**Following:** line 23

**Insert:** "Section 3. Section 20-1-101, MCA, is amended to read:

"20-1-101. **Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation standards" means the body of administrative rules governing standards such as:

\_\_\_\_\_ (a) school leadership;

\_\_\_\_\_ (b) educational opportunity;

\_\_\_\_\_ (c) academic requirements;

\_\_\_\_\_ (d) program area standards;

\_\_\_\_\_ (e) content and performance standards;

\_\_\_\_\_ (f) school facilities and records;

\_\_\_\_\_ (g) student assessment; and

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(h) general provisions.

~~(1)~~(2) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.

(3) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

~~(2)~~(4) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

~~(3)~~(5) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

~~(4)~~(6) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

~~(5)~~(7) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.

~~(6)~~(8) "County superintendent" means the county government official who is the school officer of the county.

~~(7)~~(9) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(10)(a) "Educational program" means a set of educational offerings designed to meet the program area standards contained in the accreditation standards.

(b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

~~(8)~~(11) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

~~(9)~~(12) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

~~(10)~~(13) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

~~(11)~~(14) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

(15) "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established by the board of public education.

~~(12)~~(16) "Regents" means the board of regents of higher education.

~~(13)~~(17) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

~~(14)~~(18) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

~~(15)~~(19) "State university" means Montana state university-Bozeman.

(20) "Student with limited English proficiency" means any student:

(a)(i) who was not born in the United States or whose native language is a language other than English;  
(ii) who is a Native American and who comes from an environment in which a language other than English has had a significant impact on the individual's level of English proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment in which a language other than English is dominant; and

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(b) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student:

(i) the ability to meet the state's proficiency assessments;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

~~(16)~~(21) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

~~(17)~~(22) "System" means the Montana university system.

~~(18)~~(23) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

~~(19)~~(24) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

~~(20)~~(25) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

~~(21)~~(26) "Trustees" means the governing board of a district.

~~(22)~~(27) "University" means the university of Montana-Missoula.

~~(23)~~(28) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Sales, Stahl.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Everett.  
Total 1

**SB 152** - Representative Koopman moved **SB 152**, second reading copy, be further amended. Amendment **not** adopted as follows:

Ayes: Arntzen, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Koopman, Lange, Maedje, McGillvray, McNutt, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Stahl, Ward, Warden, Wells.  
Total 22

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.



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Total 77

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**SB 152** - Representative Lindeen moved **SB 152**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Butcher, Everett, Hawk, Heinert, Jackson, Koopman, Lange, Maedje, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Stahl, Wells.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 385** - Representative Wells moved **HB 385** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Bixby, Facey, Furey, Galvin-Halcro, Jayne, Juneau, Windham.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 475** - Representative Buzzas moved **HB 475** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.  
Total 68

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Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Himmelberger, Jayne, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, B. Olson, Rice, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Windham.

Total 29

Excused: None.

Total 0

Absent or not voting: Bixby, Juneau, Mr. Speaker.

Total 3

**HJR 2** - Representative Waitschies moved **HJR 2** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Koopman, Morgan, Sales, Stahl, Wells.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 513** - Representative Raser moved **HB 513** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Everett, Koopman, Lake, MacLaren, Rice, Sales, Sinrud, Wells.

Total 8

Excused: None.

Total 0

Absent or not voting: Jopek.

Total 1

**HB 672** - Representative Butcher moved **HB 672** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake,

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Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Bixby, Juneau, Kaufmann.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Campbell.  
Total 1

**HB 700** - Representative Mendenhall moved **HB 700** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Buzzas, Gallik, Glaser, Stahl.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 721** - Representative Parker moved **HB 721** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: D. Brown, R. Brown, Hawk, Himmelberger, Jayne, Koopman, Lambert, Maedje, Mendenhall, Rice, Sales, Sonju, Wagman, Wells.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Rep. Bergren assumed the chair.

**HB 236** - Representative Jackson moved **HB 236** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

**SB 117** - Representative Villa moved **SB 117** be concurred in.

**SB 117** - Representative Villa moved **SB 117**, second reading copy, be amended as follows:

1. Page 5, line 10.

**Strike:** "criminal"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 117** - Representative Villa moved **SB 117**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert,

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Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Koopman, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Butcher, Dowell, Everett, Furey, Koopman, McGillvray, Mendenhall, Rice, Ripley, Sales, Stahl.

Total 11

Excused: None.

Total 0

Absent or not voting: Hawk, Heinert, Klock, Small-Eastman, Wells.

Total 5

**MOTIONS**

Rep. Clark moved to suspend the House Rules to allow for the late introduction of a joint resolution to amend the constitution to balance the federal budget. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, McAlpin, McKenney, Mendenhall, Milburn, Morgan, Noennig, Noonan, B. Olson, Parker, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 82

Noes: D. Brown, Glaser, Hendrick, W. Jones, Kaufmann, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Musgrove, Raser, Roberts, Stoker, Waitschies.

Total 16

Excused: None.

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Total 0

Absent or not voting: Caferro, A. Olson.

Total 2

Rep. Lange moved HB 528 be withdrawn from the Federal Relations, Energy, and Transportation Committee and referred to the House Taxation Committee. Motion carried with a voice vote.

Rep. Lange moved that HB 263 be withdrawn from the House Appropriations Committee, printed and placed on 2nd Reading on Tuesday, March 22, 2005. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 46

Excused: None.

Total 0

Absent or not voting: A. Olson, Windham.

Total 2

Rep. Maedje moved the House reconsider its actions on March 15, 2005, on HB 277 for the purpose of placing HB 277 on 2nd Reading on March 22, 2005. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Caferro, Callahan, Clark, Dowell, Everett, Facey, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McNutt, Musgrove, Parker, Peterson, Rice, Roberts, Sales, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.

Total 61

Noes: Balyeat, Bixby, D. Brown, Buzzas, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Franklin, Furey, Gallik, Grinde, Hamilton, Hawk, Henry, Jayne, Jent, Juneau, Malcolm, McAlpin, McKenney, Mendenhall, Milburn, Morgan, Noennig, Noonan, B. Olson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Waitschies, Windham, Windy Boy.

Total 38

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Thursday, March 17, 2005. Motion carried.

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House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana  
March 17, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Galvin-Halcro. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Lange, excused. Quorum present.

Gregg Trude spoke to the House and gave an update on Tsunami relief efforts.

Terry Johnson and Clayton Schenk from the Legislative Fiscal Division gave presentations on House Bill 2.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 236** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Lange.  
Total 1

Absent or not voting: Jent, Noennig.  
Total 2

**HB 385** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Bergren, Bixby, Caferro, Campbell, Franklin, Furey, Galvin-Halcro, Henry, Jayne, Juneau, Kaufmann, Windham.  
Total 12



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Excused: Lange.  
Total 1

Absent or not voting: Noennig.  
Total 1

**HB 406** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Mendenhall, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Balyeat, D. Brown, Hawk, Heinert, Koopman, Lake, Lambert, Maedje, Malcolm, McKenney, Milburn, Morgan, B. Olson, Sinrud, Stoker, Waitschies.  
Total 16

Excused: Lange.  
Total 1

Absent or not voting: Jent, Noennig.  
Total 2

**HB 475** passed as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

Noes: Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Franklin, Gallik, Glaser, Hawk, Heinert, Himmelberger, Jayne, Koopman, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Noennig, B. Olson, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Warden, Wells, Wilson, Windham.  
Total 32

Excused: Lange.  
Total 1

Absent or not voting: Jent.  
Total 1

**HB 513** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

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Noes: Everett, Koopman, Lake, Rice, Sales, Sinrud, Wells.  
Total 7

Excused: Lange.  
Total 1

Absent or not voting: Jent.  
Total 1

**HB 672** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Caferro, Juneau, Kaufmann.  
Total 3

Excused: Lange.  
Total 1

Absent or not voting: None.  
Total 0

**HB 700** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Gallik, Stahl.  
Total 2

Excused: Lange.  
Total 1

Absent or not voting: None.  
Total 0

**HB 721** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson,

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Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lambert, Morgan, Rice, Sales, Sonju, Stahl, Wells.  
Total 19

Excused: Lange.  
Total 1

Absent or not voting: None.  
Total 0

**HJR 2** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Koopman, Maedje, Mendenhall, Morgan, Sales, Sinrud, Stahl, Wells.  
Total 8

Excused: Lange.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Bergren announced the House Democrats will caucus.  
Rep. Brown announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 9:20 a.m.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Democratic Leader Dave Wanzenried dated March 16, 2005, stating that pursuant to H30-50(5) House Democrats would like to exercise one of their twelve silver bullets, asking that HB 745 be placed on the agenda for 2nd reading in time to meet all applicable deadlines.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 3/17/2005  
Correctly printed: **HB 22, HB 169, HB 368, HB 470, HB 536, HB 577, HB 673, HB 752.**  
Correctly engrossed: **HB 60, HB 102, HB 181, HB 364, HB 584, HB 625, HB 728, HB 745, HB 758.**  
Examined by the sponsor and found to be correct: **HB 50, HB 54, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285, HB 557, HJR 29.**  
Signed by the Chief Clerk of the House at 4:00 p.m., March 15, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 161, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**

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Signed by the Speaker at 10:00 a.m., March 16, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**

Signed by the President at 3:55 p.m., March 16, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**

Delivered to the Governor at 7:20 a.m., March 17, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**

Signed by the Chief Clerk of the House at 4:25 p.m., March 16, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**

Signed by the Speaker at 5:00 p.m., March 16, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**

Signed by the President at 8:50 a.m., March 17, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**

Delivered to the Governor for approval at 7:40 a.m., March 17, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557.**

Delivered to the Secretary of State at 9:40 a.m., March 17, 2005: **HJR 13, HJR 29.**

**APPROPRIATIONS** (Buzzas, Chairman):  
**HB 60**, introduced bill, be amended as follows:

3/17/2005

1. Page 1, line 30.

Following: "structure"

Insert: "used as a clandestine methamphetamine drug lab"

2. Page 2, line 22.

Following: "the"

Insert: "assessment or"

3. Page 2, line 27.

Following: "may"

**Strike:** "assess"

Insert: "adopt rules to provide for the assessment of"

4. Page 2, line 29.

**Following:** "cause."

**Insert:** "The rules may provide for the assessment of reasonable fees to cover the cost of the contractor certification program."

5. Page 3, line 12 through line 14.

**Following:** "(2)"

**Strike:** "AN" on line 12 through "[SECTION 4]" on line 14

**Insert:** "With the exception of an owner or an owner's agent who caused the methamphetamine contamination, an owner or an owner's agent who has submitted documentation to the department by a contractor who is certified pursuant to [section 4] that the inhabitable property has been remediated to the standards established in [section 3] or submits documentation by a certified contractor that the property meets the decontamination standards without decontamination and who receives notification from the department confirming the contamination has been satisfactorily addressed"

6. Page 3, line 24 through line 27.

**Strike:** "An" on line 24 through "[section 4]." on line 27

**Insert:** "Upon confirmation by the department that an inhabitable property has been properly remediated to the standards established in [section 3] or that the inhabitable property meets the decontamination standards without decontamination, the department shall remove the inhabitable property from the list required in subsection (2).

7. Page 3, line 28.

**Strike:** "notify"

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Insert: "provide written notification to"  
Following: "officer"  
Insert: "and the property owner of record"  
**Following:** "properly"  
Insert: "assessed or"

8. Page 3, line 30.

**Following:** line 29

**Insert:** "(4) The department may adopt rules establishing reasonable requirements for the sufficiency of documentation to be provided by a certified contractor."

**Renumber:** subsequent subsections

9. Page 4, line 10.

**Following:** "codified"

**Strike:** remainder of line 10

**Insert:** "in Title 75, chapter 10."

And, as amended, do pass. Report adopted.

**HB 102**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "AND THE A STATE SPECIAL REVENUE ACCOUNT"

2. Page 5, line 23.

**Strike:** "appropriations"

**Insert:** "appropriation"

And, as amended, do pass. Report adopted.

**HB 148**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 181**, introduced bill, be amended as follows:

1. Page 12, line 7.

**Strike:** "\$1,650,000"

**Insert:** "\$1,680,000"

And, as amended, do pass. Report adopted.

**HB 414**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

3/17/2005

**HB 745**, introduced bill, be amended as follows:

1. Page 2, line 2.

**Strike:** "\$40,000"

**Insert:** "\$135,123"

2. Page 2, line 19 through line 20.

**Strike:** "estimated" on line 19 through "legislature" on line 20

**Insert:** "needed to make statutorily determined payments to school district BASE aid, with current House Bill No. 2 general fund BASE aid appropriation authority"

**Following:** "aid" on line 20

**Insert:** "general fund"

3. Page 2, line 21 through line 23.

**Strike:** "of the difference" on line 21 through "account" on line 23

**Insert:** "needed to make statutorily determined payments to school district BASE aid, with current House Bill No. 2 general fund BASE aid"

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4. Page 2, line 25.  
**Strike:** "\$25,846,341"  
**Insert:** "\$21,006,994"

And, as amended, without recommendation. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

3/17/2005

**SB 254**, be concurred in and placed on the consent calendar. Report adopted.

**SB 274**, be concurred in. Report adopted.

**SB 317**, be amended as follows:

1. Title, line 10.  
**Strike:** the first "AND"  
**Insert:** ", "  
**Following:** "35-2-617,"  
**Insert:** "AND 35-2-722,"

2. Page 2, line 12.  
**Following:** "PUBLIC ASSETS"  
**Insert:** "and the proceeds of public assets"

3. Page 2, line 20.  
**Strike:** "EXERCISE"  
**Insert:** "transfer"

4. Page 3, line 4 and line 5.  
**Strike:** "NEGOTIABLE" on line 4 through "30-3-104" on line 5  
**Insert:** "but not limited to stocks, shares, bonds, notes, evidences of indebtedness, negotiable instruments, or an ownership interest in an entity"

5. Page 3, line 13.  
**Strike:** "OR"  
**Insert:** "(xi) any transfer of assets between a nonprofit health entity that is a nonprofit public benefit corporation and a nonprofit mutual benefit corporation in which all of the members are nonprofit public benefit corporations, provided that the management of all assets transferred by a nonprofit public benefit corporation in a transaction described in this subsection (3)(c)(xi) continue to be managed in a manner consistent with the public benefit purpose of the transferring nonprofit public benefit corporation; or"  
**Renumber:** subsequent subsection

6. Page 3, line 20.  
**Following:** the first "ASSETS"  
**Insert:** "or the proceeds of public assets"

7. Page 4, line 10.  
**Following:** "COMPORTS"  
**Insert:** "with"  
**Strike:** "ON"  
**Insert:** "of"

8. Page 5, line 7.  
**Following:** "(1)"  
**Insert:** "(a)"

9. Page 5, line 8.  
**Following:** "respect to"  
**Insert:** "the assets of any public benefit corporation, to"  
**Following:** "charity,"  
**Insert:** "or"

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10. Page 5, line 9 and 10.

**Following:** "part 5" on line 9

**Strike:** ", or to" on line 9 through "35-7-722" on line 10

11. Page 5.

**Following:** line 10

**Insert:** "(b) Filing of an application under [sections 1 through 18] satisfies any notice requirements under 35-2-609, 35-2-617, or 35-2-722."

12. Page 5, line 11 through line 13.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) (a)(i) Nothing in [sections 1 through 18] precludes the attorney general, the commissioner, or a nonprofit health entity from filing an action in district court under Title 27, chapter 8, seeking a declaration that a nonprofit health entity transaction is or is not a conversion transaction as defined in [section 1] or a declaration of whether assets of a nonprofit health entity are or are not public assets as defined in [section 1]. No other declaratory relief may be sought in a court regarding any issue arising from a transaction that is or is alleged to be a conversion transaction under [sections 1 through 18], except that a transferor or transferee may file an action in district court seeking an injunction prohibiting the attorney general or commissioner from making an unlawful disclosure of trade secrets or proprietary or other confidential information.

(ii) In an action under this subsection (2) to determine whether assets of a nonprofit health entity are or are not public assets, the presumption in [section 13(3)] applies.

(b) The commissioner or the attorney general, or both, may contract with experts as reasonably necessary to bring or defend an action pursuant to this subsection (2) and the nonprofit health entity shall pay the costs reasonably incurred by the commissioner or the attorney general for the experts' services.

(c) In an action under this subsection (2), if the court finds that the transaction is a conversion transaction subject to [sections 1 through 18] and the transaction has not been completed, the court shall enter an injunction prohibiting any further actions to complete the transaction until it has been approved by the commissioner and attorney general under [section 2].

(d) In an action under this subsection (2), if the court finds that a completed transaction was a conversion transaction that the commissioner and attorney general have not approved under [section 2], the court shall enter an injunction requiring the nonprofit health entity or any successor to the assets involved in the transaction to submit an application for review under [section 5]. After reviewing any application submitted following a court order under this subsection (2)(d), the attorney general may direct that the nonprofit health entity or any successor to the assets involved in the transaction distribute the fair market value of any public assets involved in the transaction as required under [section 18].

(e) The court issuing the declaratory judgment retains jurisdiction to enforce any direction by the attorney general for distribution of the fair market value of public assets under this subsection (2).

(3) [Sections 1 through 18] may not be construed to make void or voidable or to require any distribution of assets with respect to any transaction or series of transactions completed before [the effective date of this act], even if that transaction or series of transactions is considered as part of a conversion transaction completed on or after [the effective date of this act]."

13. Page 8, line 17.

**Following:** "ATTORNEY GENERAL"

**Insert:** "or a court pursuant to [section 4]"

14. Page 9, line 27.

**Following:** "ATTORNEY GENERAL"

**Insert:** "or a court pursuant to [section 4]"

15. Page 11, line 12.

**Strike:** "The"

**Insert:** "Except as provided in subsection (5), the"

16. Page 11, line 24.

**Strike:** "for-profit company and its"

**Insert:** "parties to the conversion transaction and their"

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17. Page 12, line 3.

**Strike:** the first "the for-profit entity"

**Insert:** "any party to the conversion transaction"

**Strike:** the second "the for-profit entity"

**Insert:** "a party to the conversion transaction"

18. Page 12, line 23.

**Insert:** "(5) Notwithstanding any other provision of this section, the proceeds of a conversion transaction that are public assets of a nonprofit mutual benefit corporation in which all of the members are nonprofit public benefit corporations may be distributed to the member nonprofit public benefit corporations if the articles of incorporation of the nonprofit mutual benefit corporation provide for that distribution."

19. Page 13, line 25 through 28.

**Following:** "[sections 1 through 18]. " on line 25

**Strike:** remainder of line 25 through "corporation." on line 28

20. Page 15, line 9.

**Insert:** "Section 21. Section 35-2-722, MCA, is amended to read:

"**35-2-722. Notices to the attorney general.** (1) ~~Except as provided in subsection (4),~~ a public benefit corporation or religious corporation shall give the attorney general written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the secretary of state. The notice must include a copy or summary of the plan of dissolution.

(2) Assets may not be transferred or conveyed by a public benefit corporation or religious corporation as part of the dissolution process until 20 days after it has given the written notice required by subsection (1) to the attorney general or until the attorney general has consented in writing to the dissolution or indicated in writing that he will not take action in respect to the transfer or conveyance, whichever is earlier.

(3) When all or substantially all of the assets of a public benefit corporation have been transferred or conveyed following approval of dissolution, the board shall deliver to the attorney general a list showing those, other than creditors, to whom the assets were transferred or conveyed. The list must indicate the address of each person, other than creditors, who received assets and indicate what assets each received.

(4) A public benefit corporation or religious corporation that is considered a nonprofit health entity, as defined in [section 1], is subject to the provisions of [sections 1 through 18]. "

**Renumber:** subsequent sections

21. Page 15, line 17.

**Following:** "transaction"

**Insert:** "or any individual transaction or series of transactions"

And, as amended, be concurred in. Report adopted.

**SB 329**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

**SB 32**, be concurred in. Report adopted.

3/17/2005

**SB 40**, be amended as follows:

1. Title, line 7.

**Strike:** "RESOLUTION OF INTENTION TO CREATE THE DISTRICT AND THE"

2. Title, line 9.

**Strike:** "7-12-2105,"

3. Page 2, line 4 through line 25.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.



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**SB 162**, be concurred in and placed on the consent calendar. Report adopted.  
**SB 185**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

3/17/2005

**HB 633**, do pass. Report adopted.  
**HB 780**, do pass. Report adopted.  
**SB 62**, be concurred in. Report adopted.  
**SB 118**, be amended as follows:

1. Title, page 1, line 17.

**Following:** "MCA;"

**Strike:** "AND"

2. Title, page 1, line 19.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 4, line 3.

**Following:** "DEPARTMENT"

**Insert:** "of military affairs"

4. Page 4, line 8.

**Strike:** "A DEPARTMENT EMPLOYEE"

**Insert:** "an employee of the department of military affairs"

5. Page 4, line 9.

**Strike:** "A DEPARTMENT EMPLOYEE"

**Insert:** "an employee of the department of military affairs"

6. Page 7, line 9.

**Following:** "complainant"

**Insert:** "and the employer in writing"

7. Page 13.

**Following:** line 28

**Insert:** "NEW SECTION. Section 30. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**SB 182**, be concurred in. Report adopted.

**SB 206**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/17/2005

**HB 625**, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

**Strike:** "REQUIREMENT" on line 7

**Insert:** "REQUIREMENTS"

**Strike:** "DELETING" on line 7 through "FOR" on line 8

2. Page 2.

**Following:** line 15

**Insert:** "(b) has, prior to designation by the department of commerce, a population of less than 5,500 according to the most recent federal census or federal estimate;"

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

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**HB 758**, introduced bill, be amended as follows:

1. Title, page 1, line 9, through page 1, line 12.

**Strike:** "STATUTORILY" on line 9 through "COUNTY;" on line 12

2. Title, page 1, line 14.

**Following:** the first "and"

**Strike:** "17-7-502,"

**Insert:** "15-36-332,"

**Strike:** "IMMEDIATE"

3. Page 1, lines 19 and 20.

**Strike:** "The oil" on line 19

**Insert:** "Oil"

**Following:** "account" on line 19

**Strike:** remainder of line 19 through "appropriation" on line 20

4. Page 1, line 20.

**Strike:** "(1)"

5. Title, page 1, line 22.

**Strike:** "Interest" through "account."

6. Page 1, line 23 through line 24.

**Strike:** subsection (2) in its entirety

7. Page 1, line 26 through page 2, line 4.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

8. Page 11.

**Following:** line 18

**Insert:** "Section 5. Section 15-36-332, MCA, is amended to read:

**"15-36-332. Distribution of taxes to taxing units -- appropriation.** (1) (a) By the dates referred to in subsection (6), the department shall distribute oil and natural gas production taxes allocated under 15-36-331(3) to each eligible county.

(b) By the dates referred to in subsection (6), the department shall distribute the amount deposited in the oil, gas, and coal natural resource account under 15-36-331(2)(b) as provided in subsection (8).

(2) (a) Each county treasurer shall distribute the amount of oil and natural gas production taxes designated under subsection (1), including the amounts referred to in subsection (2)(b), to the countywide elementary and high school retirement funds, countywide transportation funds, and eligible school districts according to the following schedule:

	Elementary Retirement	High School Retirement	Countywide Transportation	School Districts
Big Horn	14.81%	10.36%	2.99%	26.99%
Blaine	5.86%	2.31%	2.71%	24.73%
Carbon	3.6%	6.62%	1.31%	49.18%
Chouteau	8.1%	4.32%	3.11%	23.79%
Custer	6.9%	3.4%	1.19%	31.25%
Daniels	0	7.77%	3.92%	48.48%
Dawson	5.53%	2.5%	1.11%	35.6%
Fallon	0	7.63%	1.24%	42.58%
Fergus	7.88%	4.84%	2.08%	53.25%
Garfield	4.04%	3.13%	5.29%	26.19%
Glacier	11.2%	4.87%	3.01%	46.11%
Golden Valley	0	11.52%	2.77%	54.65%
Hill	6.7%	4.07%	1.59%	49.87%
Liberty	4.9%	4.56%	1.15%	35.22%

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McCone	4.18%	3.19%	2.58%	43.21%
Musselshell	5.98%	4.07%	3.53%	32.17%
Petroleum	0	11.92%	4.59%	55.48%
Phillips 0.43%	6.6%	1.08%	41.29%	
Pondera	6.96%	5.06%	1.94%	45.17%
Powder River	3.96%	2.97%	4.57%	22.25%
Prairie 0	8.88%	1.63%	36.9%	
Richland	4.1%	3.92%	2.26%	43.77%
Roosevelt	9.93%	7.37%	2.74%	40.94%
Rosebud	3.87%	2.24%	1.05%	72.97%
Sheridan	0	3.39%	2.22%	47.63%
Stillwater	6.87%	4.86%	1.63%	41.16%
Sweet Grass	6.12%	6.5%	2.4%	37.22%
Teton 6.88%	8.19%	3.8%	29.43%	
Toole 2.78%	4.78%	1.3%	43.56%	
Valley 2.26%	12.61%	4.63%	41.11%	
Wibaux 0	4.1%	0.77%	31.46%	
Yellowstone	7.98%	4.56%	1.07%	52.77%
All other counties	3.81%	7.84%	1.81%	41.04%

(b) (i) The county treasurer shall distribute 9.8% of the Custer County share to the countywide community college district in Custer County.

(ii) The county treasurer shall distribute 14.5% of the Dawson County share to the countywide community college district in Dawson County.

(3) The remaining oil and natural gas production taxes for each county must be used for the exclusive use and benefit of the county, including districts within the county established by the county.

(4) (a) The county treasurer shall distribute oil and natural gas production taxes to school districts in each county referred to in subsection (2) as provided in subsections (4)(b) through (4)(d).

(b) The amount distributed to each K-12 district within the county is equal to oil and natural gas production taxes in the county multiplied by the ratio that oil and natural gas production taxes attributable to oil and natural gas production in the K-12 school district bear to total oil and natural gas production taxes attributable to total oil and natural gas production in the county and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(c) For the amount to be distributed to each elementary school district and to each high school district under subsection (4)(d), the department shall first determine the amount of oil and natural gas taxes in the high school district that is attributable to oil and natural gas production in each elementary school district that is located in whole or in part within the exterior boundaries of a high school district and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(d) (i) The amount distributed to each elementary school district that is located in whole or in part within the exterior boundaries of a high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the elementary school district bear to the sum of the total mills of the elementary school district and the total mills of the high school district.

(ii) The amount distributed to the high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the high school district bear to the sum of the total mills of each elementary school district referred to in subsection (4)(c) and the total mills of the high school district.

(5) (a) Oil and natural gas production taxes calculated for each school district under subsections (4)(b) through (4)(d) must be distributed to each school district in the relative proportion of the mill levy for each fund.

(b) If a distribution under subsection (5)(a) exceeds the total budget for a school district fund, the board of trustees of an elementary or high school district may reallocate the excess to any budgeted fund of the school district.

(6) The department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas

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production tax payments received for the calendar quarter ending December 31 of the previous year.

(7) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes under 7-1-2111.

(8) The department shall distribute the funds received under 15-36-331(2)(b) to counties based on county oil and gas production. Of the distribution to a county, one-third must be distributed to the county government and two-thirds must be distributed to incorporated cities and towns within the county. If there is more than one incorporated city or town within the county, the city and town allocation must be distributed to the cities and towns based on their relative populations.

~~(8)~~(9) The ~~distribution~~ distributions to taxing units and to counties and incorporated cities and towns under this section ~~is~~ are statutorily appropriated, as provided in 17-7-502, from the state special revenue fund."

9. Page 11, line 20 through page 12, line 20.

**Strike:** section 6 in its entirety

**Insert:** "NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

10. Page 12, line 22.

**Strike:** "Sections"

**Insert:** "Section"

**Strike:** "and 2"

**Strike:** "are"

**Insert:** "is"

11. Page 12, line 23.

**Strike:** "sections"

**Insert:** "section"

**Strike:** "and 2"

12. Page 12.

**Following:** line 24

**Insert:** "COORDINATION SECTION. Section 8. Coordination instruction. If House Bill No. 482 and [this act] are passed and approved, then:

(1) the percentage figure referred to in each version of 15-35-108(3) in House Bill No. 482 and [this act] must be 5.46%; and

(2) the percentage figure referred to in each version of 15-35-108 allocating money to the oil, gas, and coal natural resource account must be 2.9%."

13. Page 12, line 25.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2005"

14. Page 12, line 27.

**Strike:** "tax years beginning after"

**Insert:** "oil and gas production occurring after"

And, as amended, do pass. Report adopted.

**SB 70**, be concurred in. Report adopted.

**SB 74**, be concurred in. Report adopted.

**SB 92**, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

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**House bills** concurred in and returned to the House:

3/17/2005

**HB 50**, introduced by Roberts  
**HB 97**, introduced by Lange  
**HB 116**, introduced by Barrett  
**HB 147**, introduced by Clark  
**HB 157**, introduced by McKenney  
**HB 161**, introduced by McNutt  
**HB 180**, introduced by Lake  
**HB 209**, introduced by McKenney  
**HB 285**, introduced by Taylor

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/17/2005

**HB 30**, introduced by Wanzenried  
**HB 345**, introduced by Gallik

**House bills not** concurred in and returned to the House:

3/17/2005

**HB 367**, introduced by Parker

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 791**, introduced by Juneau, Bixby, referred to Education.  
**HB 792**, introduced by Koopman, referred to Taxation.  
**HB 793**, introduced by McAlpin, referred to Natural Resources.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 35**, introduced by Arntzen, Lange, Becker, Bergren, referred to Education.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Glaser in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Witt moved **HB 2** do pass and gave opening remarks.

Rep. Buzzas gave remarks as the Chair of the House Appropriations Committee.

Rep. Sinrud gave opening remarks on HB 2, Section A: General Government.

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page A-7, line 7.

**Strike:** "19,754,810 19,954,761" [state special FY06 and FY07]

**Insert:** "19,504,810 19,704,761" [state special FT06 and FY07]

Amendment **not** adopted as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.

Total 50

Voted Absentee: Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-5, line 4 through line 8.

**Strike:** line 4 through line 8 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-13, line 16 through line 17.

**Strike:** line 16 through line 17 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert,

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Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 46

Excused: Lange.

Total 1

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-11, line 6.

**Strike:** "663,831 660,001" [general fund FY06 and FY07]

**Insert:** "607,003 606,324" [general fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 57

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wilson, Windy Boy, Wiseman.

Total 40

Excused: Lange.

Total 1

Absent or not voting: Jent, Keane.

Total 2

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-11, line 25 through page A-12, line 1.

**Strike:** Page A-11, line 25 through Page A-12, line 1 in their entirety

**Renumber:** subsequent subsections

2. Page A-12, line 20.

**Strike:** line 20 in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Clark, Dowell, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt,

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Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 64

Noes: Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wilson.  
Total 36

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sesso moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-5, line 9 through line 14.  
**Strike:** line 9 through line 14 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-9, line 11.  
**Strike:** "2,077,468 2,077,671" [general fund FY06 and FY07]  
**Insert:** "1,956,988 1,957,191" [general fund FY06 and FY07]

2. Page A-9, line 17.  
**Strike:** "3,264,485 3,903,588" [general fund FY06 and FY07]  
**Insert:** "3,048,995 3,688,098" [general fund FY06 and FY07]

3. Page A-9, line 19.  
**Strike:** "991,141 989,824" [general fund FY06 and FY07]



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**Insert:** "884,464 883,147" [general fund FY06 and FY07]

4. Page A-9, line 21.

**Strike:** "4,794,495 4,780,586" [general fund FY06 and FY07]

**Insert:** "4,605,617 4,591,708" [general fund FY06 and FY07]

5. Page A-10 line 2.

**Strike:** "5,096,954 5,106,724" [general fund FY06 and FY07]

**Insert:** "5,029,426 5,039,196" [general fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 49

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

Speaker Matthews moved the committee rise, report progress, and beg leave to sit again. Motion carried with a voice vote.

Speaker Matthews announced the House Democrats will caucus. The House will stand at ease until 11:20 a.m.

The House reconvened at 11:20 a.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Representative Glaser in the chair.

Rep. Brown moved to reconsider the House action on HB 2-22 amendment. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

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Noes: None.  
Total 0

Excused: Lange.  
Total 1

Absent or not voting: Buzzas.  
Total 1

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-7, line 7.

<b>Strike:</b> "19,754,810 19,954,761"	[state special FY06 and FY07]
<b>Insert:</b> "19,504,810 19,704,761"	[state special FT06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.  
Total 0

Voted Absentee: Keane, Lange, Ayes.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-7, line 7.

<b>Strike:</b> "19,754,810 19,954,761"	[state special fund FY06 and FY07]
<b>Insert:</b> "19,311,913 19,491,140"	[state special fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

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Total 0

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-12, line 13.

**Strike:** "There"

**Insert:** "If House Bill No. 102 is not passed and approved, there"

2. Page D-3, line 20.

**Strike:** "There"

**Insert:** "If House Bill No. 102 is not passed and approved, there"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.

**Strike:** "2,730,968 [general fund FY06]"

**Insert:** "2,130,968 [general fund FY06]"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Eaton, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 55

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Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 43

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: Keane, B. Olson.  
Total 2

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-11, line 14.  
**Strike:** "4,100,000" [general fund FY06]  
**Insert:** "3,500,000" [general fund FY06]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells, Windham, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jent, Jopek, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

Voted Absentee: Lange, Aye.

Excused: Keane.  
Total 1

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-1, line 24.  
**Strike:** "3,876,156 4,210,183" [general fund FY06 and FY07]  
**Insert:** "3,763,760 4,104,420" [general fund FY06 and FY07]

2. Page A-2, line 25 through page A-3, line 8.  
**Strike:** line 25 on page A-2 and lines 1 through 8 on page A-3 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

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Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Musgrove, Noennig, Parker, Raser, Small-Eastman, Wilson, Windy Boy, Wiseman.

Total 39

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Raser moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4.

**Following:** line 18

**Insert:** "It is the intent of the legislature that the department of commerce use accommodations taxes to fund \$300,000 in fiscal year 2006 and \$300,000 in fiscal year 2007 for marketing montana and business recruitment program."

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Hiner, Jacobson, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 41

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Gallik, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 59

Voted Absentee: Keane, Aye; Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 22.

**Strike:** "86,527 86,395" [general fund for FY06 and FY07]

**Insert:** "61,527 61,395" [general fund for FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

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Total 56

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jent, Jopek, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 44

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-12, line 18.

**Strike:** "\$4,000,000"

**Insert:** "\$2,100,000"

2. Page A-12, line 19.

**Following:** "purpose."

**Insert:** "If House Bill No. 745 is passed and approved in a form that includes an appropriation of \$2,100,000 to finish the contractor payments on IRIS phase one, then this appropriation is void."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: D. Brown, Stahl.

Total 2

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4, line 1.

**Strike:** "274,417 264,366" [general fund FY06 and FY07]

**Insert:** "236,917 226,866" [general fund FY06 and FY07]

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 47

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-2, line 3.  
**Strike:** "1,345,000" [general fund FY06]  
**Insert:** "1,095,000" [general fund FY06]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Facey, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Wilson, Windham, Witt.  
Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Windy Boy, Wiseman, Mr. Speaker.  
Total 45

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-12, lines 4 and 5.  
**Strike:** line 4 through line 5 in their entirety

2. Page A-12, line 22.  
**Strike:** line 22 in its entirety

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Eaton, Everett, Facey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 79

Noes: Bergren, Bixby, Buzzas, Callahan, Dowell, Driscoll, Franklin, Furey, Galvin-Halcro, Groesbeck, Henry, Jopek, Juneau, Keane, Lindeen, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa.  
Total 21

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-1, line 18.

**Strike:** "250,000 250,000" [state special fund FY06 and FY07]

**Insert:** "219,354 219,354" [state special fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt.  
Total 88

Noes: Facey, Furey, Gallik, Hiner, Jent, Lenhart, McNutt, Ripley, Small-Eastman, Windy Boy, Wiseman, Mr. Speaker.  
Total 12

Voted Absentee: Keane, Lange, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-2, line 11.

**Strike:** "29,719,790 30,108,259" [general fund fy06/fy07]

**Insert:** "29,038,875 29,427,344" [general fund fy06/fy07]

Amendment **not** adopted as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Harris moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4, line 1.

**Strike:** "274,417" [general fund FY06]

**Insert:** "277,617" [general fund FY06]

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hiner, Jackson, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Everett, Facey, Glaser, Hawk, Hendrick, Henry, Himmelberger, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Wells, Witt.

Total 42

Voted Absentee: Keane, Aye; Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Sinrud withdrew his amendment HB 2-29.

Rep. Parker announced the House Democrats will caucus.

Rep. Brown announced the House Republicans will caucus.

Chairman Glaser stated the House will stand at ease until 2:25 p.m.

House resumed at 2:34 p.m.

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Rep. Ward read the following proclamation:

A PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA  
March 17, 2005

WHEREAS, Thomas Francis Meagher was an Irish patriot, American Civil War General, and first Secretary of the Montana Territory; and

WHEREAS, Thomas Francis Meagher was the Acting Territorial Governor from September 1865 to July 1867; and

WHEREAS, March 17 is the feast of Saint Patrick and a fitting day to recognize this great Irishman; and

WHEREAS, 2005 will mark the 100th Anniversary of the Thomas Francis Meagher statue which graces the front of our great Montana Capitol Building; and

WHEREAS, on the 5th of July, 2005, this hallmark statue, which has been enjoyed by Montanans and visitors for a century, will be the subject of a Centennial Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the House of Representatives and the Senate of the State of Montana, on this, the 17th day of March, 2005, hereby recognize Thomas Francis Meagher for his contributions to the cause of freedom and prosperity for the people of this State.

We encourage and support the Centennial Celebration to recognize the setting of and recent restoration of the Thomas Francis Meagher statue.

We further order and declare that July 5, 2005 shall be known as Thomas Francis Meagher Day in the State of Montana.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for the continuation of business on second reading. Representative Himmelberger in the chair.

Rep. Kaufmann gave opening remarks on Section B: Department of Health and Human Services.

**HB 2** - Representative Caferro moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

**Strike:** "19,197,505" [state special fund FY07]

**Insert:** "17,397,505" [state special fund FY07]

2. Page B-4, line 20.

**Following:** "d."

**Strike:** "Eliminate Asset Test"

**Insert:** "Raise Asset Limit for Medicaid Eligibility"

3. Page B-4, line 21.

**Strike:** line 21 in its entirety [general fund and federal funds FY06]

**Insert:** "1,876,316 4,529,679" [state special and federal funds FY06]

Explanation: This amendment funds the state match for raising the asset limit for children's Medicaid eligibility (HB 552) from I-149 state special revenue authority instead of from general fund and adjusts the funding in HB 2 to correspond to the most recent fiscal note for HB 552.

The \$1,876,316 million in state special revenue authority to support HB 552 is removed from funding appropriated for small business tax credits and health insurance premium assistance (HB 667). The net change due to this amendment is a \$2.2 million general fund reduction and a \$781,487 reduction in federal matching funds.

Amendment adopted as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.

Total 48

Voted Absentee: Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

**Strike:** "19,197,505 26,497,755" [state special fund FY06 and FY07]

**Insert:** "247,505 6,129,733" [state special fund FY06 and FY07]

2. Page B-4, line 13.

**Strike:** "9,966,860 11,101,211" [state special fund FY06 and FY07]

**Insert:** "7,922,954 10,005,119" [state special fund FY 06 and FY07]

**Strike:** "319,083,736 342,322,522" [federal special fund FY06 and FY07]

**Insert:** "312,701,466 338,872,401" [federal special fund FY06 and FY07]

Explanation: This amendment makes several changes to the I-149 appropriation included in the Director's Office and one change to the expansion of CHIP coverage to an additional 3,000 children (base level enrollment of 10,900) included in the Health Resources Division for a total reduction of \$42.1 million state special revenue and \$9.8 million federal funds over the biennium. Each change and the specific reductions associated with each change are listed below. The amendment:

1. Delays implementation of the low-income prescription drug coverage program embodied in SB 324 until 1/1/07  
--reduction \$7.0 million in FY06 and \$5.25 million in FY07
3. Delays implementation of Medicaid provider rate increases and service expansions until 1/1/07  
--reduction of \$5,594,101 in FY06 and \$3,568,023 in FY07
3. Delays expansion of CHIP to 13,900 (an additional 3,000 children) until 1/1/07  
--reduction \$2,043,906 in FY06 and \$1,096,092 in FY07
4. Removes the appropriation for the small business tax credit and premium assistance program embodied in HB 667  
--reduction of \$6.0 million in FY06 and \$11.55 million in FY07
5. Removes \$355,899 in excess appropriation authority in FY06 that is not assigned to any particular function in the executive budget

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.

Total 49

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Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 13.

**Strike:** "95,477,980 9,966,860" [general fund and state special revenue FY06]

**Insert:** "96,577,980 8,866,860" [general fund and state special revenue FY06]

**Strike:** "103,789,808 11,101,211" [general fund and state special revenue FY07]

**Insert:** "104,889,808 10,001,211" [general fund and state special revenue FY07]

Explanation: This amendment uses the \$2.2 million reduction of general fund in FY 06 in HB2-1021 which passed for raising the asset limit for children's Medicaid eligibility (HB 552).

The \$2.2 million general fund reduction for the asset test is reallocated \$1.1 million each year of the biennium to support state match for the Children's Health Insurance Program (CHIP). State special revenue CHIP match from I-149 is reduced by \$1.1 million each year due to the general fund increase.

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Windy Boy, Wiseman, Witt.

Total 80

Noes: Everett, Furey, Golie, Groesbeck, Hawk, Koopman, Lake, Maedje, Mendenhall, Milburn, Ross, Sales, Sinrud, Wagman, Waitschies, Wells, Wilson, Windham, Mr. Speaker.

Total 19

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

**HR 2** - Representative Morgan moved **HR 2**, second reading copy, be further amended as follows:

1. Page B-1, line 4.

**Strike:** "183,934,559 196,348,153" [federal special fund FY06 and FY07]

**Insert:** "188,849,559 198,863,153" [federal special fund FY06 and FY07]

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2. Page B-1, line 7 through line 10.

**Strike:** line 7 through line 10 in their entirety

**Renumber:** subsequent subsections

3. Page B-1, line 13 through line 18.

**Strike:** line 13 through line 18 in their entirety

4. Page B-2, line 9.

**Strike:** line 9 in its entirety

**Insert:** "1,328,489      1,331,310"      [general fund FY06/FY07]  
                 "19,191,224      26,491,473"      [state special revenue FY06/FY07]  
                 "2,624,543      17,142,060"      [federal funds FY06/FY07]

5. Page B-2, lines 12 and 13.

**Strike:** lines 12 and 13 in their entirety      [general fund FY06]

6. Page B-3, lines 3 and 4.

**Strike:** lines 3 and 4 in their entirety

**Renumber:** subsequent subsection

7. Page B-4, line 13.

**Strike:** "95,477,980    9,966,860" [general fund and state special revenue FY06]

**Insert:** "98,770,849    6,673,991" [general fund and state special revenue FY06]

**Strike:** "103,789,808    11,101,211" [general fund and state special revenue FY07]

**Insert:** "107,082,677    7,808,342" [general fund and state special revenue FY07]

8. Page B-4, lines 16 and 17.

**Strike:** lines 16 through 17 in their entirety

**Renumber:** subsequent subsections

9. Page B-4, lines 20 and 21.

**Strike:** lines 20 through 21 in their entirety

**Renumber:** subsequent subsections

10. Page B-4, line 23.

**Strike:** "1,000,000    2,414,135"      [state special and federal funds FY06]

**Insert:** "800,000      1,931,308"      [state special and federal funds FY06]

11. Page B-5, line 2.

**Strike:** "0    1,924,781    0    1,346,732"      [general fund and state special revenue FY06 and FY07]

**Insert:** "1,924,781    0    1,346,732    0"      [general fund and state special revenue FY06 and FY07]

12. Page B-5, line 4.

**Strike:** "47,257,025    48,377,984"      [general fund FY 06 and FY 07]

**Insert:** "47,461,025    48,581,984"      [general fund FY 06 and FY 07]

**Strike:** "13,301,080    13,227,306"      [state special fund FY06/FY07]

**Insert:** "13,097,080    13,023,306"      [state special fund FY06/FY07]

13. Page B-5, line 14.

**Strike:** line 14 in its entirety

**Insert:** "2,080,000      1,120,000      7,725,230"      [general fund, state special revenue, and federal funds  
FY06]

14. Page B-5, line 16.

**Strike:** "41,867,075      5,300,526"      [general fund and state special revenue FY 06]

**Insert:** "42,065,504      5,102,097"      [general fund and state special revenue FY 06]

**Strike:** "42,533,984      5,416,927"      [general fund and state special revenue FY 07]

**Insert:** "42,732,413      5,218,498"      [general fund and state special revenue FY 07]

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15. Page B-5, lines 23 and 24.

**Strike:** lines 23 through 24 in their entirety

**Renumber:** subsequent subsection

16. Page B-6, line 18.

**Following:** "for"

**Strike:** "Energy Ombudsman, Child Care, Food Banks, TANF Reduce CC Transfer, Fund Cash Assistance,"

17. Page B-6, line 19.

**Following:** "Increase,"

**Strike:** "Revenue Auditors,"

18. Page B-6, line 20.

**Following:** "Physician Rate Increase,"

**Strike:** "Eliminate Asset Test for Children,"

19. Page B-6, line 21.

**Following:** "Increase,"

**Insert:** "and"

**Following:** "Drugs"

**Strike:** ", and Substance Abuse Treatment"

20. Page B-6, line 24 through page B-7, line 7.

**Strike:** line 24 through line 7 in their entirety

21. Page B-7, line 15 through line 18.

**Strike:** line 15 through line 18 in their entirety

22. Page B-7, line 23 through line 24.

**Strike:** line 23 through line 24 in their entirety

23. Page B-8, lines 15 and 16.

**Strike:** lines 15 through 16 in their entirety

24. Page B-12, lines 8 through 11

**Strike:** lines 8 through 11 in their entirety

25. Page B-12, lines 13 through 15.

**Strike:** lines 13 through 15 in their entirety

26. Page B-14, lines 5 through 8.

**Strike:** lines 5 through 8 in their entirety

Explanation: This amendment removes all appropriations from I-149 that conflict with the statutory uses allowed, except for the appropriation from I-149 funds that supports the Mental Health Services Plan. The amendment reduces state special revenue by \$11.1 and federal funds by \$7.9 million. General fund increases by a net of \$2.4 million over the biennium. Each specific change and the amount of the change is listed in the attached spreadsheet.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell,

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Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HR 2** - Representative Facey moved **HR 2**, second reading copy, be further amended as follows:

1. Page B-1, line 4.

**Strike:** "183,934,559 196,348,153" [federal special fund FY06 and FY07]

**Insert:** "183,809,559 196,223,153" [federal special fund FY06 and FY07]

2. Page B-1.

**Following:** line 18

**Insert:** "h. Adult Basic Education (Restricted) 125,000 125,000" [federal special fund FY06 and FY07]

3. Page B-7.

**Following:** line 24

**Insert:** "Funding in Adult Basic Education supports provision of adult basic education services designed to meet the specific needs of TANF participants. Priority for funding must be given to the geographic areas that have the highest percentage of their population enrolled in the TANF program."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 83

Noes: Barrett, Everett, Jackson, Koopman, McGillvray, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Warden, Wells, Witt.

Total 16

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: L. Jones.

Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried with a voice vote.

Dem. Floor Leader Parker announced the Democrats will caucus.

Chairman Himmelberger stated the House will stand at ease until 5:10 p.m.

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**HB 2** - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

**Strike:** line 9 in its entirety

**Insert:** "1,328,489      1,331,310"      [general fund FY06/FY07]  
             "19,191,224      26,491,473"      [state special revenue FY06/FY07]  
             "2,624,543      17,142,060"      [federal funds FY06/FY07]

Explanation: This amendment removes \$100,000 each year from the Directors Office, the amount needed to support the second deputy director position. The funds removed by fiscal year are:

		FY 06	FY 07
General Fund		37,147	37,146
State Special Revenue	6,281	6,282	
Federal		56,572	56,572

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.  
Total 71

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Campbell, Clark, Cohenour, Dowell, Eaton, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Harris, Jayne, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Parker, Raser, Small-Eastman, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 28

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: Rice.  
Total 1

**HB 2** - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5.

**Following:** line 14

**Insert:** "f. Study of Veterans' Long-Term Health Care Needs (Restricted/Biennial/OTO)  
50,000"      [state special revenue from cigarette taxes]

2. Page B-13, line 16.

**Following:** line 16

**Insert:** "Funding in Study of Veterans' Long-Term Health Care Needs may be used by the department only to perform an analysis related to veterans' long-term care needs. The funds must be used to determine demographics of the Montana veterans' population, including the number and age of veterans in each county and the type of long-term care needs of the population. The long-term care assessment for veterans must include evaluation of the need for nursing home, domiciliary, and Alzheimer services as well as various types of community and in-home care that are needed. The study must also evaluate existing veterans' home services and configuration of those services with respect to the needs identified. The department shall provide the results of the study to the legislative finance committee by September 1, 2006."

Explanation: This amendment appropriates \$50,000 of state special cigarette tax revenue allocated to veterans' services for a study of long-term care needs of Montana veterans' and requires that the Legislative Finance Committee receive the study results in time to be included in legislative staff analysis of the executive budget request.



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Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Butcher, Caferro, Dickenson, Dowell, Driscoll, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Eaton, Franklin, Galvin-Halcro, Gutsche, Hawk, Henry, Hiner, Juneau, Kaufmann, Koopman, Lindeen, McGillvray, Mendenhall, Musgrove, Parker, Sales, Sinrud, Small-Eastman, Waitschies, Windham.  
Total 29

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative McNutt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 14.

**Strike:** "1,256,796" "1,257,348"[state special fund FY 06 & FY 07]

**Insert:** "1,045,546" "1,046,098"[state special fund FY 06 & FY 07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Clark, Cohenour, Everett, Facey, Gallik, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 65

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Lambert, Lindeen, McAlpin, Morgan, Noonan, Parker, Raser, Small-Eastman, Villa, Wilson, Wiseman.  
Total 35

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Taylor moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 12.

**Following:** "Revenue"

**Strike:** "Auditors"

**Insert:** "Auditor"

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2. Page B-2, line 13.

**Strike:** "1,120,000"

[general fund FY06]

**Insert:** "115,638"

[general fund FY06]

3. Page B-6, line 19.

**Following:** "Revenue"

**Strike:** "Auditors"

**Insert:** "Auditor"

4. Page B-8, line 15.

**Following:** "Revenue"

**Strike:** "Auditors"

**Insert:** "Auditor"

**Following:** "tax"

**Strike:** "auditors"

**Insert:** "audit staff"

Explanation: This amendment reduces the funding for new audit FTE in the Department of Revenue. The appropriation for the FTE is included in the Department of Public Health and Human Services with the direction that the appropriation be transferred to DPHHS. This amendment reduces the general fund appropriated by \$1,006,342 and supports 1.00 new FTE instead of 6.00 new FTE.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Wagman moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

**Strike:** "19,197,505 26,497,755"

[state special fund FY06 and FY07]

**Insert:** "247,505

18,426,783"

[state special fund FY06 and FY07]

2. Page B-4, line 13.

**Strike:** "9,966,860

11,101,211"

[state special fund FY06 and FY07]

**Insert:** "7,922,945

11,027,072"

[state special fund FY06 and FY07]

**Strike:** "319,083,736

342,322,522"

[federal special fund FY06 and FY07]

**Insert:** "312,701,466

342,089,158"

[federal special fund FY06 and FY07]

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Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.

Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5, lines 23 and 24.

**Strike:** lines 23 through 24 in their entirety

**Renumber:** subsequent subsection

2. Page B-6, line 21.

**Following:** "Increase,"

**Insert:** "and"

**Following:** "Drugs"

**Strike:** ", and Substance Abuse Treatment"

3. Page B-14, lines 5 through 8.

**Strike:** lines 5 through 8 in their entirety

Explanation: This amendment removes a one time only appropriation of \$1 million general fund to support chemical dependency addiction and treatment, with a focus on methamphetamine addictions.

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 48

Voted Absentee: Lange, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, lines 3 and line 4.  
**Strike:** lines 3 through 4 in their entirety  
**Renumber:** subsequent subsection

Explanation: This amendment eliminates the pilot program for Tribal peer counseling for tobacco/smoking prevention and control. The amendment eliminates \$60,000 general fund over the biennium.

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 48

Voted Absentee: Lange, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Chairman Himmelberger stated HB 2 Section B is closed.

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Waitschies, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 70

Noes: Andersen, Barrett, Bixby, Cohenour, Everett, Galvin-Halcro, Hawk, Heinert, Jacobson, Jayne, Jopek, Klock, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, Rice, Roberts, Sales, Taylor, Villa, Wagman, Warden, Wells.  
Total 26

Excused: Lange.  
Total 1

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Absent or not voting: Campbell, Himmelberger, Wanzenried.  
Total 3

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer SB 481 from the Business and Labor Committee to the Human Services Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer SB 497 from the Business and Labor Committee to the Federal Relations, Energy, and Transportation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer SJR 3 from the Business and Labor Committee to the Fish, Wildlife, and Parks Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to return HB 367 to the Senate for their reconsideration. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: Balyeat, Barrett, Everett, Koopman, Malcolm, Mendenhall, Morgan, Ripley, Roberts, Sales, Sinrud, Waitschies, Wells, Witt.  
Total 14

Excused: Lange.  
Total 1

Absent or not voting: Hendrick, McGillvray.  
Total 2

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 327, HB 541. There being no questions, these bills will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Friday, March 18, 2005. Motion carried.

House adjourned at 5:55 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTIETH LEGISLATIVE DAY

Helena, Montana  
March 18, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Milburn. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Spencer Driscoll from Billings Senior High School spoke to the House. Spencer is the winner of the National Voice of Democracy award.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews announced the House will stand at ease until 8:30 a.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Speaker Matthews stating that he appointed Rep. Walt McNutt and Rep. George Groesbeck to the Legislative Consumer Committee.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 148, HB 414, HB 633, HB 780.**

Correctly enrolled: **HB 50, HB 97, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285.**

Examined by the sponsor and found to be correct: **HB 97.**

Signed by the Chief Clerk of the House at 4:30 p.m., March 18, 2005: **HB 50, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285.**

Signed by the Speaker at 3:00 p.m., March 18, 2005: **HB 50, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285.**

Signed by the President at 3:50 p.m., March 18, 2005: **HB 50, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285.**

Delivered to the Governor for approval at 4:20 p.m., March 18, 2005: **HB 50, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285.**

Signed by the Chief Clerk of the House at 9:00 a.m., March 18, 2005: **HB 97.**

Signed by the Speaker at 3:00 p.m., March 18, 2005: **HB 97.**

Signed by the President at 3:50 p.m., March 18, 2005: **HB 97.**

Delivered to the Governor at 4:20 p.m., March 18, 2005: **HB 97.**

**EDUCATION** (Galvin-Halcro, Chairman):  
**HB 522**, introduced bill, be amended as follows:

3/18/2005

1. Page 2, line 11.

**Strike:** "must also require"

**Insert:** "shall encourage"

2. Page 2, line 12.

**Strike:** "The"

**Insert:** "A report on the"

**Strike:** "completed"

**Insert:** "prepared"

**Strike:** "On or before that date the"

**Insert:** "The"

3. Page 2, line 13.

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**Strike:** "a"  
**Insert:** "the"  
**Strike:** "on the study"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):  
**HB 643**, introduced bill, be amended as follows:

3/18/2005

1. Title, line 10.

**Following:** "SUBDIVISION"

**Insert:** "AFTER SEPTEMBER 30, 2009"

**Following:** "SUBDIVISION;"

**Insert:** "ESTABLISHING PENALTIES;"

2. Title, line 11.

**Following:** "MCA;"

**Strike:** "AND"

3. Title, line 12.

**Following:** "MCA"

**Insert:** "; AND PROVIDING A TERMINATION DATE"

4. Page 1, line 13.

**Insert:** "WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke, also known as environmental tobacco smoke, is a cause of disease in healthy nonsmokers, including diseases such as heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, the National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of up to 65,000 Americans annually; and

WHEREAS, The National Toxicology Program of the U.S. Department of Health and Human Services has listed secondhand smoke as a known carcinogen; and

WHEREAS, a study of hospital admissions for acute myocardial infarction in Helena, Montana, before, during, and after a local ordinance eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease; and

WHEREAS, the U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke; and

WHEREAS, the Environmental Protection Agency has determined, as of the introduction date of this bill, that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation and that air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke; and

WHEREAS, it has been determined by the Centers for Disease Control and Prevention that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is nonlinear at low doses, increasing rapidly with relatively small doses, such as those received from secondhand smoke or actively smoking one or two cigarettes a day; and

WHEREAS, the Centers for Disease Control and Prevention warns that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking; and

WHEREAS, numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free; and

WHEREAS, smoking is a potential cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic damage to businesses; and

WHEREAS, creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety."

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5. Page 2.

**Following:** line 2.

**Insert:** "(4) A violation of this section is subject to the penalties provided in [section 8]."

**Renumber:** subsequent subsection

6. Page 2, line 18 through page 4, line 1.

**Strike:** "(1)" on page 2, line 18 through "Accordingly, the" on page 4, line 1

**Insert:** "The"

7. Page 4, line 2.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

8. Page 4, line 4.

**Strike:** "guarantee"

**Insert:** "recognize"

9. Page 4.

**Following:** line 8

**Insert:** "(1) "Bar" means an establishment with a license issued pursuant to Title 16, chapter 4, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations, including but not limited to taverns, night clubs, cocktail lounges, and casinos."

**Renumber:** subsequent subsections

10. Page 4, line 21.

**Strike:** "and taverns"

11. Page 4.

**Following:** line 26

**Insert:** "(5) "Incidental to the service of alcoholic beverages or gambling operations" means that at least 60% of the business's annual gross income comes from the sale of alcoholic beverages or gambling receipts, or both."

**Renumber:** subsequent subsections

12. Page 5.

**Following:** line 24

**Insert:** "(4) The proprietor or manager of a business licensed under 23-5-611(1)(a) or (1)(c) may not allow any member of the public who is under 18 years of age to be present in any area of the establishment in which smoking is permitted."

**Renumber:** subsequent subsections

13. Page 5.

**Following:** line 26

**Insert:** "(a) until September 30, 2009, bars, provided that smoke from the bar does not infiltrate into areas where smoking is prohibited under this section;"

**Renumber:** subsequent subsections

14. Page 6, line 6.

**Strike:** "20%"

**Insert:** "35%"

**Following:** "."

**Insert:** "and"

15. Page 6, line 7 through line 12.

**Strike:** subsections (e) and (f) in their entirety

**Insert:** "(f) a site that is being used in connection with the practice of cultural activities by American Indians that



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is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a."

16. Page 7, line 7.

**Strike:** "not"

17. Page 7, line 8.

**Strike:** "do not"

18. Page 7, line 11.

**Insert:** "NEW SECTION. Section 8. Penalties. (1) It is unlawful for a person to smoke in any area where smoking is prohibited under 20-1-220 or 50-40-104. A person who violates 20-1-220 or 50-40-104 is guilty of a misdemeanor and shall be subject to a fine of not less than \$25 or more than \$100.

(2) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of Title 50, chapter 40, is guilty of a misdemeanor and shall be punished as follows:

- (a) a warning for the first violation;
- (b) a written reprimand for a second violation; and
- (c) within any 3-year period, a fine of:
  - (i) \$100 for a third violation;
  - (ii) \$200 for a fourth violation; and
  - (iii) \$500 for a fifth or subsequent violation.

(3) Penalties imposed under this section may not be considered by the department of revenue for the purposes of 16-4-401."

**Renumber:** subsequent sections

19. Page 7, line 22.

**Strike:** "[Sections 7 and 8]"

**Insert:** "[Sections 7 through 9]"

20. Page 7, line 24.

**Strike:** "[sections 7 and 8]"

**Insert:** "[sections 7 through 9]"

21. Page 7, line 26 through line 28.

**Strike:** section 12 in its entirety

**Insert:** "NEW SECTION. Section 13. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

**Insert:** "NEW SECTION. Section 14. Termination. [Section 7] terminates September 30, 2009."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

3/18/2005

**SB 95**, be concurred in. Report adopted.

**SB 107**, be concurred in. Report adopted.

**SB 131**, be concurred in. Report adopted.

**SB 212**, be concurred in. Report adopted.

**HJR 25**, be adopted. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

3/18/2005

**HB 765**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "LAND;"

**Insert:** "AND"

2. Title, line 8.

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**Strike:** ";" through "DEPARTMENT"

3. Page 1, line 19.

**Strike:** "\$2"

**Insert:** "50 cents"

4. Page 2, line 2 through line 4.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsection

5. Page 2, line 8 through line 11.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 304**, be concurred in. Report adopted.

**SB 318**, be amended as follows:

1. Page 3, line 12.

**Following:** "displays"

**Insert:** "only"

2. Page 8, line 6.

**Following:** "\$59.25."

**Insert:** "This fee is a one-time fee, except upon transfer of ownership of a quadricycle."

3. Page 8, line 13.

**Strike:** "or quadricycle"

4. Page 8, line 14.

**Strike:** "or quadricycle"

5. Page 10, line 2.

**Following:** "61-5-104(1)(f)"

**Insert:** "and subsection (2)(b)(iii) of this section"

6. Page 10.

**Following:** line 8

**Insert:** "(iii) A person who has a motorcycle endorsement on the person's driver's license on or before [the effective date of this act] is not required to obtain a quadricycle endorsement or the certification required in subsection (2)(b)(i) to operate a quadricycle."

7. Page 12.

**Following:** line 13

**Insert:** "COORDINATION SECTION. Section 15. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the code commissioner shall include the revisions to the definition of "quadricycle" in [this act] in the definition of that term in Senate Bill No. 285."

**Insert:** "COORDINATION SECTION. Section 16. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-321 must be amended as follows:

**"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, snowmobiles, watercraft, trailers, and semitrailers, and pole trailers in accordance with this chapter, as follows provided in subsections (2) through (19):

(2) (a) Except as provided in subsection (2)(b), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(b) The following vehicles are exempt from the registration fee imposed in this subsection (2):

(i) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c)

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through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(ii) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

(iii) a light vehicle registered under 61-3-456.

(c) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period.

~~(a)(d)~~ The annual registration fee for light vehicles under 2,850 pounds, \$13.75 in calendar year 2004 and, in each subsequent year, \$17; trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(i) if the vehicle is 4 or less years old, \$217;

(ii) if the vehicle is 5 through 10 years old, \$87; and

(iii) if the vehicle is 11 or more years old, \$28;

(e) The owner of a light vehicle 11 years old or older may permanently register the light vehicle as provided in 61-3-562.

~~(b)(3)~~ (a) Except as provided in subsection (3)(c), the owner of a trailer, semitrailer, or pole trailer that has a declared weight of less than 6,000 pounds shall pay a one-time fee of \$61.25.

(b) The owner of a trailer, semitrailer, or pole trailer with a declared weight of 6,000 pounds or more shall pay a one-time fee of \$148.25.

(c) Except as provided in subsection (18), whenever a transfer of ownership of a trailer, semitrailer, or pole trailer described in subsection (3)(a) or (3)(b) occurs, the one-time fee required under subsection (3)(a) or (3)(b) must be paid by the new owner. ~~trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~

~~(e)(4)~~ The annual registration fee for motor vehicles ~~registered~~ owned and operated solely as collector's items pursuant to 61-3-411 that are for motor vehicles:

~~(i)(a)~~ 2,850 pounds and over, \$10; and

~~(ii)(b)~~ under 2,850 pounds, \$5;

~~(d)(5)~~ (a) The registration fee for off-highway vehicles ~~registered pursuant to 23-2-817, \$9 in calendar year 2004 and, in each subsequent year, \$19.25~~ other than quadricycles is \$61.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle. Except as provided in subsection (18), whenever a transfer of ownership of an off-highway vehicle, other than a quadricycle, occurs, the one-time fee required under this subsection must be paid by the new owner.

(b) The application for registration for an off-highway vehicle, other than a quadricycle, must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department for that purpose. The application must contain:

(i) the name and home mailing address of the owner;

(ii) the certificate of title number;

(iii) the name of the manufacturer of the off-highway vehicle;

(iv) the model number or name;

(v) the year of manufacture;

(vi) a statement evidencing payment of the fee in lieu of property tax; and

(vii) other information that the department may require.

(c) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt containing the information considered necessary by the department. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

~~(e)(6)~~ The annual registration fee for light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks, buses, and logging trucks in excess of 1 ton, \$18.75 in calendar year 2004 and, in each subsequent year, \$22 is \$22.75;

~~(f)~~ logging trucks less than 1 ton, \$23.75;

~~(g)(7)~~ (a) motor homes, \$22.25; The owner of a motor home shall pay an annual fee based on the age of the motor home according to the following schedule:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

(iv) 8 years old and older, \$97.50.

(b) (i) Except as provided in subsection (7)(b)(ii), the age of a motor home is determined by subtracting

the manufacturer's designated model year from the current calendar year.

(ii) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

~~(h)(8)~~ (a) The registration fee for motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$9.75 in calendar year 2004 and, in each subsequent year, \$11.25 registered for use on public highways is \$53.25, and the registration fee for motorcycles registered for both off-road use and for use on the public highways is \$114.50. This fee is

(b) An additional fee of \$5 for a motorcycle or a quadricycle with special license plates issued under 61-3-415 and, for a motorcycle under one-time registration, an additional fee of \$16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(c) The registration fees in this subsection (8) are a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

~~(k)(9)~~ (a) The registration fee for travel trailers under 16 feet in length, \$11.75 is \$72 and the registration fee for travel trailers 16 feet in length or longer is \$152. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(b) Except as provided in subsection (18), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (9)(a) must be paid by the new owner.

(f) recreational vehicles, \$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(10) (a) The owner of each motorboat, sailboat, personal watercraft, or motorized pontoon requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, personal watercraft, or motorized pontoon is owned, on forms prepared and furnished by the department. The application must be signed by the owner of the motorboat, sailboat, personal watercraft, or motorized pontoon and be accompanied by the appropriate registration fee. The owner of a motorboat, a sailboat, personal watercraft, or a motorized pontoon shall pay a one-time fee as follows:

(i) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(ii) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(iii) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(b) This fee is a one-time fee, except upon transfer of ownership of the motorboat, sailboat, personal watercraft, or motorized pontoon.

(11) (a) Except as provided in subsection (11)(b), the one-time registration fee for a snowmobile is \$60.50.

(b) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose of daily rental to customers is assessed:

(i) a fee of \$40.50 in the first year of registration; and

(ii) if the business reregisters the snowmobile for a second year, the fee in lieu of tax imposed in subsection (11)(a).

(c) Except as provided in subsection (18), whenever a transfer of ownership of a snowmobile occurs, the applicable fee required under this subsection (11) must be paid by the new owner.

(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.

(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$5 in calendar year 2004 and, in each subsequent year, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(12) (a) The registration fee for a quadricycle is \$59.25. This fee is a one-time fee except upon transfer of

ownership of a quadricycle.

~~(b)~~ Except as provided in subsection (18), whenever a transfer of ownership of a quadricycle occurs, the applicable fee required under this subsection (12) must be paid by the new owner.

~~(4)(13)~~ A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

~~(5)(14)~~ The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.~~

~~(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.~~

~~(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.~~

~~(b) The following vehicles are not subject to the fee:~~

~~(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;~~

~~(ii) off-highway vehicles registered pursuant to 23-2-817; and~~

~~(iii) vehicles bearing license plates described in 61-3-458(3)(d).~~

~~(8)(15) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335. When the license plates for a registered motor vehicle are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335, the owner of the motor vehicle shall pay a registration fee as follows:~~

~~(a) heavy trucks, buses, and logging trucks in excess of 1 ton, 75 cents;~~

~~(b) light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton:~~

~~(i) if the vehicle is 4 years old or less, \$195.75;~~

~~(ii) if the vehicle is 5 years old through 10 years old, \$65.75; and~~

~~(iii) if the vehicle is 11 years old or older, \$6.75;~~

~~(c) motor homes:~~

~~(i) less than 2 years old, \$250.50;~~

~~(ii) 2 years old and less than 5 years old, \$192.25;~~

~~(iii) 5 years old and less than 8 years old, \$100.50; and~~

~~(iv) 8 years old and older, \$65.50;~~

~~(d) motorcycles registered for use on the public highways, \$42, and motorcycles registered for both off-road use and for use on the public highways, \$103.25. This fee is a one-time fee, except upon transfer of ownership.~~

~~(e) travel trailers under 16 feet in length, \$50.50, and travel trailers 16 feet in length or longer, \$130.50. This fee is a one-time fee, except upon transfer of ownership.~~

~~(f) trailers, semitrailers, or pole trailers with a declared weight of less than 6,000 pounds, \$52. This fee is a one-time fee, except upon transfer of ownership.~~

~~(g) trailers, semitrailers, or pole trailers with a declared weight of 6,000 pounds or more, \$139. This fee is a one-time fee, except upon transfer of ownership.~~

~~(9)(16)~~ A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)(17)~~ Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

~~(18)~~ The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)(19)~~ (a) Unless a person exercises the option in subsection ~~(11)(b)~~ (19)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state ~~general~~ special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(e)(vii). Of the \$4 fee, the department shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia

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City and Nevada City.

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection ~~(11)(a)~~ (19)(a). If a written election is made, the fee may not be collected.

(20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721. "

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**SJR 21**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 3/18/2005

**SB 18**, introduced by Wheat  
**SB 333**, introduced by Smith  
**SB 376**, introduced by Wheat

**House bills** concurred in and returned to the House: 3/18/2005

**HB 203**, introduced by Roberts  
**HB 370**, introduced by Gallik  
**HB 463**, introduced by Facey

**House joint resolutions** concurred in and returned to the House: 3/18/2005

**HJR 10**, introduced by Jacobson  
**HJR 18**, introduced by Himmelberger

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/18/2005

**HB 428**, introduced by Gutsche

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 794**, introduced by Gallik, Jacobson, Sinrud, referred to Judiciary.

The following House resolution was introduced, read first time, and referred to committee:

**HR 3**, introduced by Gallik, Bixby, Juneau, referred to Select Committee on Education.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 117** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 91

Noes: Everett, Koopman, Lange, Sales, Sinrud, Witt.

Total 6

Excused: None.

Total 0

Absent or not voting: Himmelberger, McKenney, Taylor.

Total 3

**SB 152** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Jackson, Koopman, Lange, Maedje, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Stahl, Ward, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 633 to the House Appropriations Committee. Without objections, so ordered.

Speaker Matthews and the House thanked the pages for the week.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Rep. Ripley gave opening remarks on HB 2, Section C: Natural Resources.

Chairman Facey stated the House will stand at ease until 9:21 a.m.

**HB 2** - Representative Musgrove moved **HB 2**, second reading copy, be further amended as follows:

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1. Page C-11.

**Strike:** line 15 through line 18 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-4.

**Strike:** line 25 in its entirety

2. Page C-5.

**Strike:** line 1 in its entirety

3. Page C-7.

**Strike:** line 2 through line 4 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Dowell, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 62

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Noonan, Parker, Small-Eastman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-3, line 8.

**Strike:** "200,000" [state special fund FY06]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Callahan, Driscoll, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 56

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Witt moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-6, line 4.

**Strike:** "29,548,084" [state special fund FY06 & FY07]

**Insert:** "7,942,000" [state special fund FY06& FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sesso moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-5, line 19.

**Strike:** "2,050,000 2,050,000" [state special fund FY06/FY07]

**Insert:** "1,025,000 1,025,000" [state special fund FY06/FY07]

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Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Harris.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-4, line 24.

**Strike:** "1,023,962 1,023,962" [state special fund FY06&FY07]

**Insert:** "523,962 523,962" [state special fund FY06&FY07]

2. Page C-6.

**Strike:** line 20 through line 21 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Bixby, Clark, Franklin, Gallik, Grinde, Harris, Jayne.

Total 7

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 2** - Representative Clark moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-1, line 4.

**Strike:** "6,047,367 6,101,533" [state special fund FY06/FY07]

**Insert:** "5,947,367 6,001,533" [state special fund FY06/FY07]

2. Page C-3, line 2.

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**Strike:** "83,118 83,118" [state special fund FY06/FY07]  
**Insert:** "183,118 183,118" [state special fund FY06/FY07]

Amendment adopted as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, W. Jones, Jopek, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Mendenhall, Morgan, Musgrove, Noonan, A. Olson, Parker, Raser, Rice, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wells, Witt, Mr. Speaker.  
Total 55

Noes: Andersen, Balyeat, Barrett, Branae, D. Brown, Caferro, Everett, Facey, Furey, Gallik, Hamilton, Harris, Hawk, Hiner, Jacobson, Jent, L. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Milburn, Noennig, B. Olson, Peterson, Ripley, Roberts, Ross, Small-Eastman, Taylor, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-3, line 4.

**Strike:** "3,193,468 3,201,613" [state special fund FY06&FY07]  
**Insert:** "3,126,126 3,134,271" [state special fund FY06&FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Callahan, Clark, Dowell, Driscoll, Everett, Facey, Furey, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 77

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Eaton, Franklin, Gallik, Golie, Groesbeck, Henry, Juneau, Kaufmann, McAlpin, Musgrove, Noonan, Sesso, Villa, Wilson, Wiseman.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Speaker Matthews introduced the 5th grade class from Rossiter School who had provided treats to the House during the morning.

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-3, line 4.

**Strike:** "3,193,468 3,201,613" [state special fund FY06/FY07]  
**Insert:** "3,042,378 3,055,387" [state special fund FY06/FY07]

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2. Page C-3.

**Strike:** line 5 through line 6 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Driscoll, Eaton, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 77

Noes: Bixby, Branae, Caferro, Campbell, Cohenour, Dickenson, Dowell, Facey, Furey, Gallik, Gutsche, Hamilton, Harris, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Parker, Raser.

Total 22

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 19.

**Strike:** "7,053,068 6,699,547" [state special fund FY06/FY07]

**Insert:** "6,977,970 6,623,215" [state special fund FY06/FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Cohenour, Driscoll, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Campbell, Dickenson, Dowell, Eaton, Furey, Henry, Jackson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, Musgrove, Noonan, B. Olson, Parker, Windham, Windy Boy.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-1, line 8.

**Strike:** "5,992,035 4,008,389" [state special fund FY06/FY07]

**Insert:** "5,962,035 3,978,389" [state special fund FY06/FY07]

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Callahan, Clark, Dowell, Driscoll, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Eaton, Furey, Gallik, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Windy Boy.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.  
**Strike:** "4,276,653 4,276,281" [state special fund FY06/FY07]  
**Insert:** "4,236,476 4,236,114" [state special fund FY06/FY07]

2. Page C-2.  
**Strike:** line 10 through line 11 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Bergren, Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Gutsche, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noonan, Sesso, Villa, Windy Boy.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-11, line 3  
**Following:** "up to"  
**Strike:** "\$1 million"  
**Insert:** "\$500,000"

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 94

Noes: Barrett, Jayne, Witt.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Caferro, L. Jones, Warden.  
Total 3

**HB 2** - Representative Lange moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-1, line 18.

**Strike:** "6,719,053 6,540,948" [state special fund FY06/FY07]

**Insert:** "6,605,053 6,436,448" [state special fund FY06/FY07]

2. Page C-1.

**Strike:** line 19 through line 20 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Driscoll, Everett, Facey, Galvin-Halcro, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.  
Total 63

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Franklin, Furey, Gallik, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noonan, Sesso, Villa, Wanzenried, Windham, Windy Boy, Wiseman.  
Total 37

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Ripley closed on HB 2, Section C.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Chairman Facey announced the House will stand at ease until 11:55 a.m.

Rep. Jent assumed the chair and the House reconvened.

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Rep. Callahan gave opening remarks on HB 2 Section D: Corrections and Public Safety.

**HB 2** - Representative Callahan moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-5, line 3.

**Strike:** "50,000 50,000" [state special fund FY06 and FY07]

**Insert:** "15,500 15,500" [state special fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Butcher, Groesbeck, Heinert, Jackson, W. Jones, McNutt, Musgrove, Stahl.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Callahan moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-6, line 10.

**Strike:** "2,100,000" "2,100,000"[state special fund FY 06 & FY 07]

**Insert:** "0" "0" [state special fund FY 06 & FY 07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Hawk moved **HB 2**, second reading copy, be further amended as follows:

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1. Page D-1, line 14.

**Strike:** "3,711,809 3,711,015" [general fund FY06 and FY07]

**Insert:** "3,689,919 3,689,125" [general fund FY16 and FY07]

2. Page D-1, line 18.

**Strike:** "2,141,183 2,142,163" [state special fund FY06 and FY07]

**Insert:** "2,133,209 2,134,189" [state special fund FY06 and FY07]

**Strike:** "829,327 829,755" [proprietary FY06 and FY07]

**Insert:** "826,070 826,498" [proprietary FY06 and FY07]

3. Page D-2, line 9.

**Strike:** "19,353,599 19,543,961" [state special fund FY06 and FY07]

**Insert:** "19,343,696 19,534,058" [state special fund FY06 and FY07]

4. Page D-2, line 25.

**Strike:** "334,008 337,303" [general fund FY06 and FY07]

**Insert:** "330,753 334,048" [general fund FY06 and FY07]

**Strike:** "526,420 526,079" [state special fund FY06 and FY07]

**Insert:** "521,406 521,065" [state special fund FY06 and FY07]

**Strike:** "55,713 53,258" [proprietary FY06 and FY07]

**Insert:** "55,185 52,730" [proprietary FY06 and FY07]

5. Page D-3, line 8.

**Strike:** "2,761,812 2,765,023" [general fund FY06 and FY07]

**Insert:** "2,753,013 2,756,224" [general fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Dickenson, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 72

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dowell, Franklin, Gallik, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Parker, Villa, Windy Boy, Wiseman.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Lenhart moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-8, following line 7.

**Insert:** "c. Liberty House Project (Restricted)  
100,000" [general fund FY 06]

2. Page D-8, following line 10.

**Insert:** "The Liberty House Project may be used only for the purpose of constructing a liberty house at Fort Harrison VA medical center."

Amendment adopted as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Gallik, Galvin-Halcro, Harris, Himmelberger, Hiner, Juneau, Koopman, Lindeen, McGillvray, Mendenhall, Musgrove, Raser, Sales, Sinrud, Windham.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Heinert.  
Total 1

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-2, line 2 through line 3.  
**Strike:** lines 2 and 3 in their entirety  
**Renumber:** subsequent sections

2. Page D-4.  
**Following:** line 17

**Insert:** "If legislation to amend the effective date of the production of new license plates to a date after the 2007 biennium rather than beginning January 1, 2006, as currently required under 61-3-332(4)(b) is not passed and approved, then there is appropriated to the department \$195,470 of general fund money in fiscal year 2006 for the delivery of license plates."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Sesso, Small-Eastman, Villa, Waitschies, Wilson, Windy Boy, Wiseman.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-5, line 18 through line 19.  
**Strike:** lines 18 and 19 in their entirety

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2. Page D-6.

**Following:** line 5

**Insert:** "If legislation to amend the effective date of the production of new license plates to a date after the 2007 biennium rather than beginning January 1, 2006, as currently required under 61-3-332(4)(b) is not passed and approved, then there is appropriated to the department \$3,853,751 of general fund money in fiscal year 2006 and \$496,837 of general fund money in fiscal year 2007 for the production of new license plates."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Campbell, Clark, Dowell, Everett, Facey, Gallik, Glaser, Golie, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 65

Noes: Bergren, Bixby, Branae, Caferro, Callahan, Cohenour, Dickenson, Driscoll, Eaton, Franklin, Furey, Galvin-Halcro, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Windy Boy.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-7, line 9.

**Strike:** "1,124,678 1,124,315" [general fund FY06 and FY07]  
**Insert:** " 0 0" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Clark, Dowell, Eaton, Golie, Gutsche, Hamilton, Heinert, Henry, Jopek, Juneau, Kaufmann, Koopman, Lange, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Raser, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Wanzenried, Warden, Wiseman.  
Total 34

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Butcher, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Harris, Hawk, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Milburn, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 65

Excused: None.  
Total 0

Absent or not voting: Windham.  
Total 1

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

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1. Page D-7, line 9.

**Strike:** "1,124,678" "1,124,315" [general fund FY 06 & FY 07]

**Strike:** "1,687,016" "1,686,472" [federal special fund FY 06 & FY 07]

**Insert:** "1,109,832" "1,109,512" [general fund FY 06 & FY 07]

**Insert:** "1,664,747" "1,664,267" [federal special fund FY 06 & FY 07]

Amendment adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lange, Lindeen, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noonan, Parker, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.

Total 69

Noes: Andersen, Barrett, Butcher, Callahan, Glaser, Hawk, Hiner, Jent, L. Jones, Keane, Lake, Lambert, Lenhart, MacLaren, Maedje, McKenney, McNutt, Milburn, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Stahl, Taylor, Villa, Wagman, Windy Boy, Witt.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-2, line 23.

**Strike:** "1,912,588" "1,961,244" [general fund FY06 and FY07]

**Insert:** "1,809,223" "1,810,149" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Arntzen, Balyeat, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Dowell, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Mr. Speaker.

Total 49

Noes: Andersen, Barrett, Becker, Bergren, Bixby, Buzzas, Callahan, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Rice, Sesso, Stahl, Villa, Wanzenried, Warden, Wilson, Windy Boy, Wiseman, Witt.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

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1. Page D-3, line 5 through line 6.

**Strike:** lines 5 and 6 in their entirety

2. Page D-4, line 15 through line 17.

**Strike:** line 15 through line 17 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Dowell, Everett, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 70

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Gallik, Grinde, Hamilton, Henry, Hiner, Jacobson, Jent, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Parker, Small-Eastman, Villa, Windy Boy, Wiseman.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Chairman Jent announced the House will stand at ease until 1:30 p.m.

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-1, line 14.

**Strike:** "3,711,809 3,711,015" [general fund FY06 and FY07]

**Insert:** "3,592,963 3,592,169" [general fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dowell, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Witt.

Total 66

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Gallik, Grinde, Groesbeck, Gutsche, Harris, Henry, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Windy Boy, Wiseman, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**HB 2** - Representative Wiseman moved **HB 2**, second reading copy, be further amended as follows:

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1. Page D-2, following line 21.

**Insert:** "e. TV and Radio Advertisements on the Effects of Meth (Restricted/Biennial/OTO)  
240,000" [general fund FY06]

2. Page D-4, following line 14.

**Insert:** "TV and Radio Advertisements on the Effects of Meth is provided to:

(1) produce or contract with a qualified state government agency or private entity for the production of television and radio advertisements that present, describe, and, in the case of television advertisements, show the physical, mental, and emotional effects of methamphetamine use on a person; and

(2) provide for the broadcasting of the advertisements statewide or contract with a qualified state government agency or private entity to do so.

If House Bill No. 31 is passed and approved in a form that establishes the office of substance abuse prevention and treatment, TV and Radio Advertisements on the Effects of Meth is appropriated to the office of the governor and the appropriation in the department of justice is void."

If House Bill No. 439 is not passed and approved, TV and Radio Advertisements on the Effects of Meth is reduced by \$240,000 of general fund in fiscal year 2006."

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jent, Kaufmann, Lenhart, McAlpin, Sesso, Small-Eastman, Windy Boy, Wiseman.  
Total 21

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 79

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Jopek moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-1, line 19 through line 20.

**Strike:** lines 19 and 20 in their entirety

2. Page D-3, line 12 through line 18.

**Strike:** lines 12 through lines 18 in their entirety

Amendment adopted as follows:

Ayes: Balyeat, Becker, Bixby, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Driscoll, Everett, Furey, Gallik, Galvin-Halcro, Grinde, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, W. Jones, Jopek, Juneau, Koopman, Lange, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Noonan, Raser, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stoker, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham.  
Total 53

Noes: Andersen, Arntzen, Barrett, Bergren, Branae, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Glaser, Golie, Groesbeck, Hamilton, Hiner, Jacobson, Jent, L. Jones, Kaufmann, Keane, Klock,

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Lake, Lambert, Lenhart, MacLaren, McKenney, McNutt, Milburn, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Ross, Sinrud, Stahl, Taylor, Villa, Ward, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sales moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-7, line 9.

**Strike:** "1,124,678 1,124,315" [general fund FY06 and FY07]

**Insert:** " 824,678 824,315" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Clark, Dickenson, Dowell, Everett, Franklin, Furey, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jopek, Juneau, Kaufmann, Koopman, Lange, Lindeen, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Wanzenried, Warden, Wells, Windham, Wiseman.  
Total 46

Noes: Andersen, Barrett, Bergren, R. Brown, Butcher, Callahan, Campbell, Cohenour, Driscoll, Eaton, Facey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Hawk, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Ross, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Callahan closed on HB 2, Section D.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Chairman Jent stated the House will stand at ease until 2:30 p.m.

House reconvened at 2:35 p.m.

Rep. Franklin gave opening remarks on HB 2, Section E: Education.

Rep. Lange announced the House Republicans will caucus.

Chairman Jent stated the House will stand at ease until 3:15 p.m.

**HB 2** - Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 8.

**Strike:** "155,423 155,423" [general fund FY06 and FY07]

**Insert:** "2,750,423 2,750,423" [general fund FY06 and FY07]

2. Page E-2, line 19.

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**Strike:** "550,000    550,000"    [general fund FY06 and FY07]  
**Insert:** "1,000,000    1,000,000"    [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 42

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Clark, Cohenour, Eaton, Everett, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-2, line 15.

**Strike:** "2,372,041    2,403,643"    [general fund FY06 and FY07]  
**Insert:** "987,842    987,842"    [general fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Andersen, Arntzen, Barrett, Glaser, Jackson, W. Jones, Lake, Lambert, MacLaren, McNutt, Milburn, B. Olson, Rice, Ross, Stahl, Stoker, Wagman, Waitschies, Windy Boy.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-6, line 17.

**Strike:** "1,506,562    1,532,621" [general fund FY 06 and FY 07]  
**Insert:** "1,456,562    1,482,621" [general fund FY 06 and FY 07]

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 54

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Taylor moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-9.

**Following:** line 2

**Insert:** "p. Yellow Bay -- Water Quality Monitoring -- Flathead Basin (Restricted/Biennial) 145,500  
145,500"  
[general fund FY 06 and FY 07]

Amendment **not** adopted as follows:

Ayes: Andersen, Caferro, Dickenson, Glaser, Jackson, Jayne, Jent, W. Jones, Jopek, Juneau, Lake, Lambert, Morgan, B. Olson, Ross, Stoker, Taylor, Waitschies, Ward, Windham.  
Total 20

Noes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, L. Jones, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-5, line 11.

**Strike:** "147,382 146,246" [state special fund FY06 and FY07]

**Insert:** "79,665 78,529" [state special fund FY06 and FY07]

2. Page E-5, line 19.

**Strike:** "25,380 25,436" [state special fund FY06 and FY07]

**Insert:** " 2,624 2,680" [state special fund FY06 and FY07]



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3. Page E-5, line 21.

**Strike:** "390,814 386,672" [state special fund FY06 and FY07]

**Insert:** "55,584 55,583" [state special fund FY06 and FY07]

4. Page E-6, line 10 and line 11.

**Strike:** line 10 through "language appropriations" on line 11.

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Jackson moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 4.

**Strike:** "4,702,474 4,763,796" [general fund FY06 and FY07]

**Insert:** "4,696,474 4,757,796" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 45

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Chairman Jent stated the House will stand at ease for 5 minutes.

**HB 2** - Representative Glaser moved **HB 2**, second reading copy, be further amended as follows:

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1. Page E-1, line 18.

**Strike:** "423,522,296 427,637,698" [general fund FY06 and FY07]

**Insert:** "424,522,296 428,637,698" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Bixby, Glaser, Hendrick, Lambert, Small-Eastman, Waitschies, Ward, Wells.

Total 8

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Koopman moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 11.

**Strike:** "292,125 285,905" [general fund FY06 and FY07]

**Insert:** "113,947 140,453" [general fund FY06 and FY07]

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Koopman, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, Sales, Sinrud, Sonju, Stahl, Taylor, Waitschies, Ward, Warden, Wells.

Total 28

Noes: Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 72

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2** - Representative Jopek moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-9.

**Following:** line 2

**Following:** "p. Yellow Bay -- Water Quality Monitoring -- Flathead Basin (Restricted/Biennial) 93,500

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93,500 [general fund FY 06 and FY 07]"

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Caferro, Campbell, Dickenson, Glaser, Gutsche, Jackson, Jayne, W. Jones, Jopek, Juneau, McAlpin, Musgrove, B. Olson, Stoker, Taylor, Windham, Windy Boy.  
Total 19

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 81

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sales moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8, line 13.  
**Strike:** "1,693,291 1,692,258" [general fund FY06 & FY07]  
**Insert:** "1,621,291 1,617,378" [general fund FY06 & FY07]

2. Page E-13, line 11.  
**Following:** "regents;" page E-13 on line 11  
**Strike:** through "regents;" on line 12

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Everett, Galvin-Halcro, Golie, Harris, Hawk, Hendrick, Himmelberger, Jayne, L. Jones, Jopek, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 50

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Sesso, Stoker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Heinert.  
Total 1

**HB 2** - Representative Glaser moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-3, following line 5.  
**Insert:** "If the annual appropriation in Base Aid is in excess of the amount required to fund any bill enacted by

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the 59th legislature increasing the basic and per-ANB entitlements, then any remaining amount must be deposited in the school flexibility account, established in 20-9-542, and distributed as provided in that section."

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sonju moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, lines 13 and 14.  
**Strike:** Lines 13 and 14 in their entirety

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Glaser moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-9, line 1 through line 2.  
**Strike:** line 1 through line 2 in their entirety

2. Page E-13, line 17 through line 18.

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**Strike:** line 17 through line 18 in their entirety

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Dowell, Driscoll, Everett, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Hendrick, Himmelberger, Hiner, Juneau, Koopman, Lake, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Morgan, Noennig, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Mr. Speaker.  
Total 49

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Mendenhall, Milburn, Musgrove, Noonan, A. Olson, Peterson, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Ward, Windy Boy, Wiseman, Witt.  
Total 51

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8, line 21.

**Strike:** "260,000 260,000" [state special revenue FY 06 and FY 07]  
**Insert:** "220,000 220,000" [state special revenue FY 06 and FY 07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Bergren, Musgrove, Windy Boy.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-3, line 14.

**Strike:** "173,641 173,657" [state special fund FY06 and FY07]  
**Insert:** "158,641 158,657" [state special fund FY06 and FY07]

Amendment **not** adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Representative Sesso moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8.  
**Strike:** Amendment HB 2 - 4027

Amendment adopted as follows:

Ayes: Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Callahan, Dickenson, Everett, Glaser, Golie, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jent, Koopman, Lake, Lange, McGillvray, Mendenhall, Milburn, Morgan, Noennig, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Franklin closed on HB 2, Section E.

Rep. Facey assumed the Chair.  
Chairman Facey stated the House will stand at ease for 5 minutes.

Rep. Buzzas gave opening remarks on HB 2, Section R.

Chairman Facey stated if there were no amendments to Section R, Section R is closed.

Rep. Buzzas gave the opening remarks on HB 2, Section BP, boilerplate language.  
There being no amendments, Section BP was closed.

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Rep. Buzzas gave an update on the status of HB 2. She said that at the beginning of HB 2 deliberations, the State was \$76 million over the cap. Now it is \$3.9 million over the cap.

Rep. Bergren announced the House Democrats will caucus.  
Chairman Facey stated the House will stand at ease until 6:55 p.m.

**HB 2** - Representative Witt moved **HB 2**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

**MOTIONS**

Dem. Floor Leader Parker moved to suspend the House rules to allow for the 2nd and 3rd Readings of HB 2 on the same day. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck,

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Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**UNFINISHED BUSINESS**

Rep. Dee Brown objected to SB 81 on the Consent Calendar. SB 81 will be placed on 2nd Reading.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 22, HB 470, HB 577, SB 136, and SB 160. There being no questions, these bills will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 9:00 a.m., Saturday, March 19, 2005. Motion carried.

House adjourned at 7:43 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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HOUSE JOURNAL  
59TH LEGISLATURE  
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana  
March 19, 2005

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Hamilton. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following Honorary Pages: Alec Gordon, Helena; Rachel Hoversland, Helena; and Ben Peterson, Billings.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 9:40 a.m.

House reconvened at 10:10 a.m.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HJR 25.**

Correctly engrossed: **HB 522, HB 643, HB 765.**

Correctly enrolled: **HB 203, HB 370, HB 463, HJR 10, HJR 18.**

Examined by the sponsor and found to be correct: **HB 203, HB 370, HB 463, HJR 10, HJR 18.**

MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence: 3/19/2005

**SB 207**, introduced by Perry  
**SB 345**, introduced by Mangan

**House amendments to Senate bills** concurred in: 3/19/2005

**SB 61**, introduced by Cocchiarella  
**SB 166**, introduced by Black

**House bills** concurred in and returned to the House: 3/19/2005

**HB 103**, introduced by Driscoll  
**HB 191**, introduced by Becker  
**HB 196**, introduced by Jayne  
**HB 223**, introduced by Jent  
**HB 234**, introduced by Lange  
**HB 262**, introduced by Lange  
**HB 318**, introduced by McKenney  
**HB 631**, introduced by Stahl  
**HB 638**, introduced by Arntzen

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/19/2005

**HB 493**, introduced by Noonan  
**HB 502**, introduced by Wiseman

MESSAGES FROM THE GOVERNOR

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March 19, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 67, "**AN ACT GENERALLY REVISING PROVISIONS OF THE MONTANA PROCUREMENT ACT; PROVIDING THAT THE PUBLIC HAS THE RIGHT TO INSPECT COMPETITIVE SEALED BIDS AFTER THEY ARE OPENED, SUBJECT TO SPECIFIED LIMITATIONS; PROVIDING THAT ART PURCHASED OR COMMISSIONED FOR A MUSEUM OR PUBLIC DISPLAY IS EXEMPT FROM THE ACT; REMOVING THE SUNSET FROM THE PROVISION AUTHORIZING AN AGENCY TO REQUEST AN ALTERNATIVE PROCUREMENT METHOD; REMOVING THE CAP ON THE AMOUNT FOR WHICH A LETTER OF CREDIT MAY BE ISSUED; PROVIDING AN EXCEPTION TO HOW LONG PERFORMANCE SECURITY ON A CONTRACT MUST BE KEPT; CLARIFYING EXCEPTIONS TO THE CONTRACT TIME PERIOD LIMIT SPECIFIED IN THE ACT; AMENDING SECTIONS 18-4-126, 18-4-132, 18-4-301, 18-4-303, 18-4-304, 18-4-312, AND 18-4-313, MCA; REPEALING SECTION 29, CHAPTER 181, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

House Bill 67 makes general revisions to the Montana Procurement Act, concerning the procurement practices of the State of Montana. My amendments are intended to make the statutory exceptions to disclosure of public documents consistent with rulings of the Montana Supreme Court concerning the right to know provision of the Montana Constitution, found in Article II, Section 9.

Current law, §18-4-304, MCA, provides that after competitive sealed proposals to the state are opened, they are subject to public inspection, with the following exceptions: 1) limitations found in the Uniform Trade Secrets Act; 2) matters involving individual safety; 3) information requested by the Department of Administration during the bidding process to establish vendor responsibility; 4) and matters protected from disclosure pursuant to the state or federal constitutions.

My proposed amendment eliminates the third exception. The result would be that information requested of a vendor by the Department of Administration during the bidding process to establish vendor responsibility would be subject to public scrutiny, unless the information fell within one of the other established exceptions, such as trade secrets and information entitled to constitutional protections from public disclosure.

Similarly, current law, § 18-4-308, MCA, provides for confidentiality of information furnished by a bidder or offeror with respect to their responsibility. My proposed amendment eliminates subsection (2) of § 18-4-308, so that this information would no longer be deemed confidential.

I believe that my recommended amendment to House Bill 67 brings Montana's procurement laws in line with the Montana Supreme Court's interpretations of the right to know provision found in Article II, Section 9 of the Montana Constitution, specifically the court's decisions in *Great Falls Tribune v. Montana Public Service Commission*, 2003 MT 359, *Great Falls Tribune Co., Inc. v. Rick Day*, 1998 MT 133.

I have discussed my proposed amendment with the sponsor of the bill, Representative Larry Jent, who supports the amendment. The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER

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GOVERNOR

cc: Legislative Services Division  
Janet Kelly, Director, Department of Administration

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 67  
Amendments to House Bill No. 67  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Title, line 9.

**Following:** "ACT;"

**Insert:** "REVISING THE INFORMATION IN A BID OR OFFER THAT MAY NOT BE DISCLOSED;"

2. Title, line 13.

**Following:** "18-4-304,"

**Insert:** "18-4-308,"

3. Page 6, line 30.

**Following:** ";"

**Insert:** "and"

4. Page 7, lines 1 and 2.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsection

5. Page 7, line 10.

**Insert:** "Section 6. Section 18-4-308, MCA, is amended to read:

**"18-4-308. Nonresponsibility of bidders and offerors --nondisclosure.** (†) A written determination of nonresponsibility of a bidder or offeror must be made in accordance with rules adopted by the department. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to ~~such that~~ bidder or offeror.

(2) ~~Information furnished by a bidder or offeror pursuant to this section may not be disclosed outside of the department or the purchasing agency without prior written consent by the bidder or offeror."~~

**Renumber:** subsequent sections

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

**HB 795**, introduced by Witt, Black, Gebhardt, L. Jones, Lambert, referred to Transportation.

**HB 796**, introduced by Callahan, Hiner, Hawk, Sesso, Witt, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 36**, introduced by Ripley, Musgrove, Buzzas, McNutt, Wells, Hansen, Barkus, Hawks, referred to Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 18**, introduced by Wheat, referred to Judiciary.

**SB 207**, introduced by Perry, Barkus, referred to Judiciary.

**SB 333**, introduced by Smith, Campbell, Dowell, Gillan, Hansen, Lenhart, Musgrove, Tropila, Wilson, Windham,

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referred to State Administration.

**SB 345**, introduced by Mangan, referred to Taxation.

**SB 376**, introduced by Wheat, referred to Natural Resources.

**MOTIONS**

Rep. John Balyeat moved to have the House reconsider its action on HB 2.

Dem. Floor Leader Parker objected to the decorum of Rep. Balyeat and stated Rep. Balyeat was out of order and requested a Rules Committee meeting.

Speaker Matthews ruled Rep. Balyeat was out of order.

Rep. Balyeat apologized to Rep. Parker and to the House.

Speaker Matthews cancelled the Rules Committee.

Rep. Golie made a substitute motion to table Rep. Balyeat's motion. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Balyeat's motion to reconsider action on HB 2 **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 60** - Representative Harris moved **HB 60** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HB 102** - Representative Lenhart moved **HB 102** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 169** - Representative McAlpin moved **HB 169** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones,

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Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Noes: Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Klock, Koopman, Lake, Maedje, Malcolm, McNutt, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 181** - Representative Musgrove moved **HB 181** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 32

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**HB 364** - Representative Maedje moved **HB 364** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Noennig, Noonan, Rice, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wilson, Windham, Mr. Speaker.  
Total 56

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Clark, Eaton, Everett, Hawk, Hendrick, Himmelberger, Koopman, Lake, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Wanzenried, Ward, Warden, Wells, Windy Boy, Wiseman, Witt.  
Total 43

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**HB 368** - Representative Mendenhall moved **HB 368** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Becker, Bixby, D. Brown, R. Brown, Butcher, Caferro, Campbell, Dickenson, Dowell, Everett, Franklin, Furey, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt.

Total 60

Noes: Barrett, Bergren, Branae, Buzzas, Callahan, Clark, Cohenour, Driscoll, Eaton, Facey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lake, Lenhart, Lindeen, McAlpin, McGillvray, Noennig, Noonan, Parker, Sesso, Stoker, Villa, Wanzenried, Wiseman, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 536** - Representative Callahan moved **HB 536** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 628** - Representative Clark moved **HB 628** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Barrett, Bixby, Buzzas, Caferro, Himmelberger, Juneau, Kaufmann, Koopman, Lange, Malcolm, Mendenhall, Rice, Sales, Stoker, Wagman, Ward.

Total 16

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 673** - Representative Butcher moved **HB 673** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Ripley, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 584** - Representative Parker moved consideration of **HB 584** be passed for the day. Motion carried.

**HB 728** - Representative Lange moved **HB 728** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Juneau, Stoker.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Hamilton, Wanzenried.  
Total 2

**HB 780** - Representative Sinrud moved **HB 780** do **not** pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.



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Total 91

Noes: Becker, Clark, Gallik, Henry, Lenhart, McAlpin, Musgrove, Wilson, Mr. Speaker.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 625** - Representative Rice moved **HB 625** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Stoker, Windy Boy.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**HB 758** - Representative McNutt moved consideration of **HB 758** be passed for the day. Motion carried.

Chairman McKenney stated the House will recess for 10 minutes.

House reconvened at 12:15 p.m.

Rep. Koopman assumed the Chair.

**SB 108** - Representative McKenney moved **SB 108** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Glaser, Hawk, Hendrick, Himmelberger, Jayne, Koopman, Maedje, Malcolm, McGillvray, Sales, Sinrud, Stahl, Ward, Wells.  
Total 14

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 129** - Representative Dickenson moved **SB 129** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Balyeat, D. Brown, Everett, Hawk, Himmelberger, Koopman, Malcolm, Morgan, Sales, Sinrud, Sonju, Stoker, Ward, Wells.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Harris, Witt.  
Total 2

**SB 130** - Representative McKenney moved **SB 130** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Balyeat, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Himmelberger, Koopman, Lange, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Warden, Wells.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 134** - Representative Dowell moved **SB 134** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: D. Brown, Caferro, Everett, Hawk, Kaufmann, Koopman, Sales, Sinrud, Stoker, Ward.  
Total 10

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Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

**SB 165** - Representative Villa moved **SB 165** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: D. Brown, Gallik, Hawk, Himmelberger, Koopman, Lake, Milburn, Sales, Sinrud, Stoker, Ward.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 103** - Representative Harris moved **SB 103** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Ward.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 135** - Representative Galvin-Halcro moved **SB 135** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 78

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Noes: D. Brown, Everett, Glaser, Hawk, Himmelberger, Jayne, Koopman, Lake, Lambert, Malcolm, Mendenhall, Milburn, Morgan, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Ward, Wells.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 274** - Representative Milburn moved consideration of **SB 274** be passed for the day. Motion carried.

**SB 316** - Representative Roberts moved **SB 316** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Hawk, Koopman, Sales, Sinrud, Stoker.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 317** - Representative Roberts moved **SB 317** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jayne, W. Jones, Koopman, Lake, McGillvray, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Waitschies, Wells, Wilson, Windham.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Koopman moved the Committee of the Whole report be adopted. Report adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 86

Noes: Everett, Hawk, Jayne, Koopman, McGillvray, Mendenhall, Morgan, Sales, Sinrud, Stoker, Wagman, Wells, Witt.  
Total 13

Excused: None.  
Total 0

Absent or not voting: W. Jones.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 327** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: D. Brown, Everett, Hawk, Hendrick, Koopman, Morgan, Sales, Sinrud, Waitschies, Wells.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Windham.  
Total 1

**HB 541** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

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Noes: Bergren, Buzzas, Campbell, Dickenson, Himmelberger, Kaufmann, Parker, Stahl.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer SB 108 to the House Appropriations Committee. Without objection, so ordered.

**UNFINISHED BUSINESS**

Rep. Sinrud objected to HB 148 on the Consent Calendar. HB 148 will be placed on 2nd Reading.

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 414, SB 162, and SB 254. There being no questions, these bills will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, March 21, 2005. Motion carried.

House adjourned at 1:32 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana  
March 21, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages: Candra Berg, Helena; Rachel Colson, Missoula; Paul Fredenberg, Missoula; David King, Billings; William Kolski, Darby; Kerra Melvin, Butte; Jake Miller, Absarokee; and Micaela Newman, Butte.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, and forty-ninth legislative days, find the same to be correct.

Barrett, Chair

**MOTIONS**

Dem. Floor Leader Parker moved the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving an address by U.S. Congressman Dennis Rehberg. And further that, following the session, the House reconvene.

**SPECIAL ORDERS OF THE DAY**

Sgt.-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sgt.-at-Arms Clark to admit the Honorable Senate to the House Chambers.

Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Father Jerry Lowney gave the invocation, followed by the Pledge of Allegiance.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from U. S. Congressman, the Honorable Dennis Rehberg. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify U. S. Congressman Rehberg that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Tropila, Senator McGee, Representative Campbell and Representative Hendrick to escort The Honorable Congressman into the House Chambers.

The Committee escorted U. S. Congressman Rehberg into the chambers.

President Tester introduced U.S. Congressman Rehberg who gave the following address to the joint session:

"Distinguished members of the Legislature, honored guests, my fellow Montanans.

A famous newspaperman I often quote, Irvin Cobb, once said, "No speech can be entirely bad if it is short enough." So I'll try not to keep you long.

Thank you for allowing me time to be here today. It is truly a privilege to stand before you once again as Montana's Congressman to review my priorities for Montana in the U.S. House of Representatives.

Since I last spoke to you, two years ago, we've passed and the President has signed into law the Medicare Prescription Drug and Modernization Act. With this legislation, we've not only provided seniors with prescription

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drug coverage, but we've also added much-needed reforms to Medicare by addressing the need for preventive programs to help seniors with chronic illnesses maximize their health and well-being and minimize their visits to the emergency room and the hospital.

There's so much to be done in the area of health care. With nearly one-in-five Montanans uninsured, we need small business health care plans that will enable farmers, ranchers and small business employees to access the same affordable health care choices and benefits enjoyed by employees of large companies. I applaud what you've accomplished this session on association health care plans, and have once again sponsored the Small Business Health Fairness Act, at the federal level, to help more Montanans get the care they need at a price they can afford.

At the same time, one of the things that has bothered me most since being a state legislator and Montana's Lt. Governor, has been the unfunded mandates that the federal government continues to drop onto states like Montana. Each year, our state has to spend millions complying with burdensome federal mandates that make it harder to provide cleaner air and water, collect and dispose of hazardous waste, and provide health care for the uninsured. We are making some progress, but much more can and will be done.

I think we can all agree that we also need to see that Social Security remains solvent for future generations. When the president visited Montana the day after his State of the Union Address, Senator Burns and I accompanied him on Air Force One. During that time, we had a chance to listen as he explained his Social Security presentation to the American people. I was impressed by his willingness to entertain and consider any suggestion that will preserve and protect Social Security. And while I'm willing to listen to all sides of the debate, I think I also have enough common sense to recognize when change isn't necessarily progress. One thing remains: we need to protect our seniors' Social Security benefits, while improving retirement security for our children and their children. But, we must remember, people forget how fast you did a job - but remember how well you did it.

Let me say that America must also protect its interests and future by establishing a national energy policy. Four times, the House has passed a comprehensive energy bill, and four times the bill has become stalled in the Senate. As I've said many times, we needed a comprehensive energy plan twenty years ago. Our growing dependence upon foreign energy sources means we no longer have the luxury to wait until tomorrow.

And so, I'm going to urge my colleagues to do what we did last session, and once again pass a comprehensive energy policy that addresses ways to improve domestic production, as well as improve access to reliable electricity, new technologies, increased energy efficiency and increasing funding for low-income energy assistance. Let's give America a plan that funds clean-coal technology, enables the development of alternatives like ethanol, and encourages energy conservation.

Working on the energy bill has helped me to discover what a monumental task it is to get major legislation sent to the President. I think it was Woody Allen who said: "I don't want to achieve immortality through my work. I want to achieve it through not dying."

Well, you and I know that in our line of work, you can't achieve immortality, but you can successfully confront seemingly immortal achievements. For me, one of those has to be the Highway Bill that we passed in the House earlier this month. I was honored to be a member of the House and Senate Conference Committee that helped write this monumental legislation last year. Under the shadow of a threatened veto, our measure was delayed by disagreements in the Senate. But this year, after an 18-month delay, we finally have something everyone can agree on, a bill that will see highway funding for Montana increase to almost \$2 billion over the next six years.

The ramifications of this six-year highway construction measure are far-reaching. Every billion dollars spent on our highways translates into thousands of good paying jobs. These new highway investments will help stimulate Montana's own economy, as well as provide our state with better roads, bridges, and increased transit options, encouraging development and, above all, give us an economic return of \$6 for every \$1 spent.

The road construction season is before us. Congress needs to put politics aside and send legislation to the President he will sign.

One additional change since we last met: I asked for and now sit on the House Appropriations Committee. What a difference. I'm now getting my phone calls returned from bureaucrats. I have often said that the definition of a bureaucrat is a Democrat that has a job that a Republican wants. Both sides want more money. Both sides are going to have to give a little if we're going to balance the budget. Sound familiar? It was Herbert Hoover who once said: "It would be a lot easier to make ends meet if we didn't keep moving the ends."

I believe my subcommittee assignments are well-suited for promoting the interests of Montana.

At an Energy & Water Appropriations subcommittee hearing the other day, I had the opportunity to press the head of the Army Corps of Engineers to more strongly direct his agency to recognize our prolonged drought in Montana, and



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to do more to help us keep our water here.

Earlier this month, my Foreign Operations subcommittee held a face-to-face with Secretary of State Condoleezza Rice about State Department priorities and our financial commitments abroad. Back in the old days I used to think foreign relations was about how well we got along with North and South Dakota.

I'm also now on the Subcommittee on Military Quality of Life, from which the House oversees spending on programs involving Veterans Affairs, National Guard, reservists, military facilities, housing, and health programs. It's a real opportunity to both protect Malmstrom Air Force Base in the latest round of BRAC closures, and to upgrade its infrastructure and advocate a new Malmstrom mission.

One of the most important things we're focusing on this year is the effort to protect our borders. It's one of the reasons I asked to be on the House Appropriations Committee.

I've developed a multi-phased, Border Security Plan to address Montana's role in the war on terror, as well as the need to protect our state's agriculture economy, and finally, to put a stop to the flow of illegal drugs in and out of Montana.

As you know, Montana has the largest international border among the contiguous states. We have a role to play in securing our nation's border against the threat of terrorists. In recent months, Montana has received more than \$20 million from the Department of Homeland Security to enhance the capability of our state and local agencies to prevent and respond to incidents of terrorism involving the use of chemical, biological, radiological, nuclear or explosive weapons. Great Falls has been selected to base one of five Canadian border surveillance operations. Last month, the House passed legislation that tightens procedures for non-citizen entry into, and movements and activities within, the United States. The measure will also enable Montana's state government to bolster standards for the security and integrity of drivers' licenses.

But, there's another threat that involves our border, and that's the economic and health threat posed by BSE. That's why, for the past four years, I've been the chief advocate in the House for mandatory Country of Origin Labeling. As part of my Border Security Plan, I want our border with Canada to stay closed to live beef until questions have been adequately answered. I spent a couple of hours making that point to President Bush when we traveled together aboard Air Force One earlier this year. I've also had pointed discussions with Agriculture Secretary, Mike Johanns, telling him, "Let's reestablish our beef trade with Japan and Korea first before reopening the border with Canada." Our consumers deserve nothing less than the safest product; our producers deserve nothing less than market stability.

An even bigger and more immediate threat to Montana's communities is the flow of illegal drugs in and out of our state. Today, I'm announcing a five-point Methamphetamine Initiative designed to help Montana fight the growing specter of this terrible blight that threatens our families, communities, and even our environment. This five-point Methamphetamine Initiative, which I will call CLEAN UP PLUS, stands for Clean Learn Educate Abolish Neutralize and Undermine the Production of meth -- plus wages a war on international trafficking from Canada and Mexico. The initiative begins with enhanced enforcement. We must ensure that our prosecutors and law enforcement have all the tools and training they need to find and eradicate meth labs and prosecute those who operate them.

Second, we need to require federal funds to be used to help clean up methamphetamine laboratories, which produce hazardous conditions because of their use of chemicals such as anhydrous ammonia, ether, sulfuric acid, and other volatile, corrosive, and poisonous toxins. Meth traffickers dump these toxins in rivers, streams, and even household drains. Their illegal activity threatens neighborhoods with serious environmental damage and exposure to dangerous toxins. It's time to make the guilty pay the price for cleanup.

Third, we must create education grants to schools and other organizations to carry out programs to teach our young people the dangers of methamphetamine use to the public health and to the environment.

In addition, we must assist local hospitals and clinics with tools and training they need to treat methamphetamine abuse, especially children who suffer from the effects of methamphetamine or exposure to the production process.

And then we're going to go one step further: we'll ask the administration to do what we should have done ten years ago: force Canada and Mexico to step up and help the U.S. in keeping their drugs from crossing our borders.

These are the things I am ready to fight for in Congress. But government can't do this alone. If we really want to put a stop to this terrible scourge in our society, private citizens and organizations must recognize they, too, have a stake in this. Today I challenge all Montanans to join this fight; take responsibility for what you see happening in your community. Together, we can send a message out to our kids that methamphetamine hurts communities, damages the environment, and destroys the lives of people who use it. As part of the initiative, I will also begin immediately calling and meeting with private individuals, foundations, and corporations to create public-private funding

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opportunities. I hope to announce our first successful partnership by this summer.

Perhaps Ronald Reagan put it best when he said, "It is up to us...to work together for progress and humanity so that our grandchildren, when they look back at us, can truly say that we not only preserved the flame of freedom, but cast its warmth and light further than those who came before us."

You and I are Montanans. We share the common goal of a better Montana. Together, you and I have a role to play if we're to reach that goal.

But, I am reminded of Ben Franklin's belief that state officeholders like you are the real participants in the "laboratories of democracy" and therefore "you alone should be the architects of a states' destiny." It's your contracts with the United States that render such promise. The tenth amendment reads "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, as to the people." I believe that, and I honor, respect, and thank you for your service to Montana.

May God bless you and may God bless our wonderful state. "

President Tester thanked Congressman Rehberg and directed the escort committee to escort U. S. Congressman Rehberg from the joint session.

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address of U.S. Congressman Rehberg, be adjourned. Motion carried.

Joint Session adjourned at 1:30 p.m.

House reconvened at 1:35 p.m.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 716 from the House Taxation Committee and place on 2nd Reading.

**REPORTS OF STANDING COMMITTEES**

Correctly enrolled: **HB 32, HB 103, HB 174, HB 191, HB 196, HB 223, HB 234, HB 262, HB 275, HB 283, HB 306, HB 318, HB 321, HB 371, HB 427, HB 452, HB 567, HB 631, HB 638, HJR 16.**

Signed by the Chief Clerk of the House at 8:45 a.m., March 21, 2005: **HB 203, HB 370, HB 463, HJR 10, HJR 18.**

Signed by the Speaker at 11:30 a.m., March 21, 2005: **HB 203, HB 370, HB 463, HJR 10, HJR 18.**

**BUSINESS AND LABOR** (Keane, Chairman):

3/21/2005

**SB 375**, be concurred in. Report adopted.

**SB 451**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/21/2005

**HB 716**, without recommendation. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in:

3/21/2005

**SB 57**, introduced by Laible

**SB 64**, introduced by Brueggeman

**SB 243**, introduced by Cocchiarella

**House bills** concurred in and returned to the House:

3/21/2005

**HB 32**, introduced by Cohenour

**HB 174**, introduced by Witt

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**HB 275**, introduced by Jacobson  
**HB 283**, introduced by Jopek  
**HB 306**, introduced by Gallik  
**HB 321**, introduced by Facey  
**HB 371**, introduced by Lambert  
**HB 427**, introduced by Grinde  
**HB 452**, introduced by Windy Boy  
**HB 567**, introduced by Windham

**House joint resolution** concurred in and returned to the House:

3/21/2005

**HJR 16**, introduced by Groesbeck

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/21/2005

**HB 53**, introduced by Jacobson  
**HB 119**, introduced by Golie  
**HB 301**, introduced by Galvin-Halcro  
**HB 367**, introduced by Parker

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 797**, introduced by Kaufmann, referred to Business and Labor.  
**HB 798**, introduced by Kaufmann, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 37**, introduced by Kaufmann, referred to Business and Labor.

Rep. Lange announced the House Republicans will caucus.  
Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will stand at ease until 1:50 p.m.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 414** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 470** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Balyeat, Barrett, Everett, Glaser, Hawk, Himmelberger, W. Jones, Koopman, Lange, Maedje, Malcolm, Mendenhall, A. Olson, B. Olson, Rice, Ross, Sales, Sinrud, Stoker.

Total 19

Excused: None.

Total 0

Absent or not voting: Jackson.

Total 1

**HB 577** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Balyeat, D. Brown, Everett, Glaser, Hawk, Lake, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ross, Sales.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 136** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 160 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 162 concurred** in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Hawk, Mendenhall, Sales, Wells.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 254 concurred** in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey,

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Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 60** requiring two-thirds vote, passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Hendrick, Jackson, Jayne, Klock, Koopman, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Wells.  
Total 28

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 102** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 73

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, L. Jones, Koopman, Lake, Lange, Malcolm, Mendenhall, Peterson, Rice, Ross, Sales, Sinrud, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Facey.  
Total 1

**HB 169** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 71

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Witt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 181** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Sonju,

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Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 364 failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, D. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Heinert, Henry, Jackson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Maedje, McAlpin, Musgrove, Noennig, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Ward, Wilson, Mr. Speaker.  
Total 47

Noes: Andersen, Balyeat, Barrett, Branae, R. Brown, Buzzas, Callahan, Eaton, Everett, Facey, Franklin, Glaser, Gutsche, Hamilton, Harris, Hawk, Hendrick, Himmelberger, Hiner, Jacobson, Jent, Kaufmann, Lake, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 368 passed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, D. Brown, R. Brown, Butcher, Caferro, Campbell, Dickenson, Dowell, Eaton, Everett, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 73

Noes: Bergren, Branae, Buzzas, Callahan, Clark, Cohenour, Driscoll, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Noennig, Parker, Wanzenried, Mr. Speaker.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 536 passed** as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson,



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Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 625** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 628** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Barrett, Bixby, Buzzas, Caferro, Himmelberger, Juneau, Kaufmann, Koopman, Lange, Malcolm, Mendenhall, Sales, Wagman.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 728** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 103** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Hendrick, Lake, Lambert.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 129** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Balyeat, D. Brown, Everett, Hawk, Heinert, Himmelberger, Klock, Koopman, Malcolm, Morgan, Sales, Sinrud, Sonju, Stoker, Waitschies, Ward, Wells, Witt.

Total 18

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 130** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, D. Brown, R. Brown, Everett, Hawk, Heinert, Himmelberger, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Warden, Wells.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 134** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Balyeat, Everett, Hawk, Koopman, Sales, Sinrud, Sonju, Stoker.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 135** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 79

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Noes: Balyeat, Everett, Glaser, Hawk, Himmelberger, Jackson, Jayne, W. Jones, Koopman, Lake, Lambert, Maedje, Malcolm, Mendenhall, Ripley, Ross, Sales, Sinrud, Wagman, Ward, Wells.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 165** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Gallik, Hawk, Himmelberger, Koopman, Sales, Sinrud.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 316** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hawk, Sales, Sinrud, Stoker.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 317** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin,

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McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 72

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lange, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Wagman, Waitschies, Wells, Windy Boy, Witt.  
Total 28

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 522** - Representative L. Jones moved **HB 522** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Balyeat, Bixby, D. Brown, Hawk, Jayne, Juneau, Koopman, Lange, McGillvray, Ripley, Sinrud, Stoker.  
Total 12

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 752** - Representative Parker moved consideration of **HB 752** be passed for the day. Motion carried.

**HB 765** - Representative Maedje moved **HB 765** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Driscoll, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells,

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Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Cohenour, Dickenson, Eaton, Franklin, Golie, Hiner, Jayne, Jent, Kaufmann, B. Olson, Villa, Wanzenried.  
Total 12

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Milburn, Windy Boy.  
Total 2

**SB 42** - Representative Milburn moved **SB 42** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Jopek, Koopman.  
Total 2

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 105** - Representative Henry moved **SB 105** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Balyeat, Himmelberger, Jackson, W. Jones, Sinrud, Waitschies, Warden.  
Total 7

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 178** - Representative Klock moved **SB 178** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Bixby, Caferro, Clark, Eaton, Gutsche, Jayne, Jopek, Kaufmann, Raser, Wilson.  
Total 10

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: Maedje, Ward.  
Total 2

**SB 326** - Representative Keane moved **SB 326** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 60

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jayne, L. Jones, Juneau, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Wiseman.  
Total 40

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 359** - Representative Andersen moved **SB 359** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

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Total 79

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Cohenour, Gallik, Groesbeck, Hamilton, Harris, Hiner, Juneau, Kaufmann, Lindeen, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Windy Boy.

Total 20

Voted Absentee: Galvin-Halcro, Aye.

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Andersen, Arntzen, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Koopman, Lange, MacLaren, Maedje, McGillvray, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Taylor, Wagman, Wanzenried, Ward, Warden, Wells.

Total 27

Excused: Galvin-Halcro.

Total 1

Absent or not voting: Stahl.

Total 1

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 791 from the Education Committee to the House Appropriations Committee. Without objection, so ordered.

Rep. Butcher moved to have the House reconsider its action on HB 673 on March 19, 2005, for the purpose of placing HB 673 on 2nd Reading. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 46

Excused: Galvin-Halcro.



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Total 1

Absent or not voting: None.

Total 0

**UNFINISHED BUSINESS**

Rep. Kaufmann objected to HB 22 on the Consent Calendar. HB 22 will be placed on 2nd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Tuesday, March 22, 2005. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana  
March 22, 2005

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Dickenson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Balyeat, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, and fifty-sixth legislative days, find the same to be correct.

Barrett, Chair

Monte, the nationally acclaimed mascot of the Montana Grizzlies, stopped by to say hello to the House.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 1:30 p.m.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 522, HB 716, HB 765.**

Signed by the President at 4:50 p.m., March 21, 2005: **HB 203, HB 370, HB 463, HJR 10, HJR 18.**

**APPROPRIATIONS** (Buzzas, Chairman):

3/22/2005

**HB 4**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "YEAR"

**Insert:** "YEARS 2005, 2006, AND"

2. Page 1.

**Following:** line 19

**Insert:** "Judiciary

District Court Operations

Safe kids, safe communities 2005 \$25,000 federal

All remaining fiscal year 2005 federal budget amendment authority for safe kids, safe communities is authorized to continue into federal fiscal year 2005."

3. Page 1, line 23.

**Following:** "criminals"

**Insert:** ", for additional legal services,"

4. Page 1.

**Following:** line 24

**Insert:** "Mental Disabilities Board of Visitors

All remaining fiscal year 2005 federal budget amendment authority for the Jobs and Growth Tax Relief Reconciliation Act funds for the additional operating costs is authorized to continue into federal fiscal year 2007."

5. Page 1, line 27 through line 28.

**Following:** "Act" on line 27

**Strike:** "and" on line 27 through "disabilities" on line 28

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6. Page 2.

**Following:** line 11

**Insert:** "Highway Patrol Division  
New entrant program 2005 \$400,000 federal"

7. Page 3.

**Following:** line 3

**Insert:** "Library Program  
Advisory board administrative support program 2005 \$9,570 federal  
All remaining fiscal year 2005 federal budget amendment authority for the Montana historical records  
advisory board's administrative support project is authorized to continue into state fiscal year 2006."

8. Page 3.

**Following:** line 6

**Insert:** "Historic Preservation Program  
Access to bureau of land management state historic preservation databases 2005 \$10,000 federal  
All remaining fiscal year 2005 federal budget amendment authority for completing tasks to improve access  
to bureau of land management state historic preservation databases is authorized to continue into federal fiscal year  
2005."

9. Page 3.

**Following:** line 7

**Insert:** "Lewis and Clark national historic trail 2005 \$6,250 federal  
All remaining fiscal year 2005 federal budget amendment authority for the Lewis and Clark national historic  
trail grant is authorized to continue into state fiscal year 2007."

10. Page 3, line 14.

**Following:** "for"

**Insert:** "native prairie fish survey and inventory;"

11. Page 3, line 28.

**Following:** "canal;"

**Insert:** "burbot status assessment on Missouri River;"

12. Page 4, line 2.

**Following:** "dam"

**Insert:** "; for a conservation geneticist; and for the seasonal movements and habitat use of native Yellowstone fish,  
turtles, and birds"

13. Page 4, line 6.

**Following:** "for"

**Insert:** "sage grouse/leeks; coordinated bird monitoring; monitor grizzly bear population for the northern continental  
divide ecosystem; birds and species of concern surveys in northeastern Montana;"

14. Page 4, line 14.

**Following:** line 13

**Insert:** "All remaining fiscal year 2005 federal budget amendment authority for the amphibian and aquatic reptile  
inventory and for the statewide small mammal survey and inventory is authorized to continue into state fiscal  
year 2007."

15. Page 4, line 14.

**Following:** "for"

**Insert:** "natural resource conservation service co-op positions; loon ecology project; delisting of the gray wolf in  
the northern rocky mountains;"

16. Page 4.

**Following:** line 20

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**Insert:** "Capital Outlay

All remaining fiscal year 2005 federal budget amendment authority for the 3-mile wildlife management area; improvements to the Darby fishing access site; and acquisition of land at the headwaters of the Bull River and Lake Creek watersheds is authorized to continue to state fiscal year 2006.

All remaining fiscal year 2005 federal budget amendment authority for the Swan Valley phase I legacy project is authorized to continue into state fiscal year 2007.

**Department Management**

All remaining fiscal year 2005 federal budget amendment authority for the Montana department of natural resources and conservation forested trust land habitat conservation planning is authorized to continue into federal fiscal year 2007."

17. Page 4.

**Following:** line 22

**Insert:** "Biological analyses for support of reassessment monitoring 2005 \$185,000 federal"

18. Page 4, line 24.

**Following:** "projects"

**Insert:** "and the biological analyses for support of reassessment monitoring grant"

19. Page 4.

**Following:** line 29

**Insert:** "Conservation and Resource Development Division

Conservation capacity funds to local conservation districts 2005 \$125,000 federal

All remaining fiscal year 2005 federal budget amendment authority for conservation capacity funds to local conservation districts is authorized to continue into state fiscal year 2006."

20. Page 4.

**Following:** line 30

**Insert:** "Community assistance national flood insurance 2005 \$74,213 federal

Water management activities in Montana 2005 \$50,000 federal

Big Hole grant 2005 \$99,214 federal

Gaging stations 2005 \$31,016 federal

All remaining fiscal year 2005 federal budget amendment authority for community assistance national flood insurance is authorized to continue into federal fiscal year 2005.

All remaining fiscal year 2005 federal budget amendment authority for the Big Hole grant is authorized to continue into state fiscal year 2007.

All remaining fiscal year 2005 federal budget amendment authority for gaging stations is authorized to continue into federal fiscal year 2007."

21. Page 5.

**Following:** line 4

**Insert:** "Resource/conservation development grant 2005 \$24,000 federal

Rural fire assistance 2005 \$485,000 federal

Forest land enhancement 2005 \$85,000 federal

Habitat conservation plan 2005 \$384,443 federal

All remaining fiscal year 2005 federal budget amendment authority for the resource/conservation development grant is authorized to continue into federal fiscal year 2005."

22. Page 5, line 8.

**Following:** "grant"

**Insert:** "and the rural fire assistance grant"

23. Page 5, line 9.

**Following:** "the"

**Insert:** "forest land enhancement grant; habitat conservation plan;"

24. Page 5.

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**Following:** line 11

**Insert:** "Department of Administration

Administrative Financial Services Division

Project safe neighborhood 2005 \$517,197 federal

All remaining fiscal year 2005 federal budget amendment authority for project safe neighborhood is authorized to continue into federal fiscal year 2006.

Information Technical Services Division

Statewide radio system 2005 \$987,477 federal

All remaining fiscal year 2005 federal budget amendment authority for the statewide radio system is authorized to continue into state fiscal year 2007."

25. Page 5.

**Following:** line 18

**Insert:** "Department of Corrections

Juvenile Corrections

Serious and violent offender reentry grant 2005 \$17,000 federal

All remaining fiscal year 2005 federal budget amendment authority for the serious and violent offender reentry grant is authorized to continue into state fiscal year 2006."

26. Page 5.

**Following:** line 20

**Insert:** "Talk America/Bresnan 2005 \$393,824 federal

Flathead/Northwest Multicompany 2005 \$452,920 federal

All remaining fiscal year 2005 federal budget amendment authority for the Talk America/Bresnan grant is authorized to continue into state fiscal year 2007.

All remaining fiscal year 2005 federal budget amendment authority for the Flathead/Northwest Multicompany grant is authorized to continue into state fiscal year 2005."

27. Page 5, line 22.

**Following:** "Act"

**Insert:** "administration and"

28. Page 5.

**Following:** line 30

**Insert:** "Army National Guard Program

Distance learning 2005 \$43,470 federal

All remaining fiscal year 2005 federal budget amendment authority for the distance learning grant is authorized to continue into federal fiscal year 2005."

29. Page 6.

**Following:** line 3

**Insert:** "Veterans' Affairs Program

Memorial wall construction 2005 \$85,000 federal"

30. Page 6.

**Following:** line 5

**Insert:** "Food distribution, Indian reservations 2005 \$215,137 federal

Food stamp benefits 2005 \$4,000,000 federal

All remaining fiscal year 2005 federal budget amendment authority for food distribution on Indian reservations is authorized to continue into federal fiscal year 2005."

31. Page 6, line 9.

**Following:** "grant"

**Insert:** "and the food stamp benefit grant"

32. Page 6.

**Following:** line 9

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**Insert:** "Child and Family Services

Chaffee education and training vouchers program 2005 \$117,750 federal

All remaining fiscal year 2005 federal budget amendment authority for the Chaffee education and training vouchers program is authorized to continue into federal fiscal year 2005."

And, as amended, do pass. Report adopted.

**HB 5**, introduced bill, be amended as follows:

1. Title, line 12.

**Following:** "MCA;"

**Insert:** "ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO WAIVE REQUIREMENTS PERTAINING TO PUBLIC BIDS AND THE DEPOSIT OF STATE LAND SALE PROCEEDS FOR THE SALE OF THE JOCKO FISH HATCHERY; REMOVING THE AUTHORITY FOR THE CONSTRUCTION OF THE LIFE SCIENCES BUILDING AT THE UNIVERSITY OF MONTANA; REMOVING REVERSION REQUIREMENTS RELATED TO THE JOURNALISM BUILDING AT THE UNIVERSITY OF MONTANA; REMOVING RESTRICTIONS RELATING TO THE LAW BUILDING AT THE UNIVERSITY OF MONTANA; REMOVING CERTAIN RESTRICTIONS RELATING TO THE JOURNALISM BUILDING AT THE UNIVERSITY OF MONTANA; AMENDING SECTIONS 87-1-209 AND 87-1-601, MCA, SECTION 2, CHAPTER 557, LAWS OF 1999, AND SECTION 2, CHAPTER 573, LAWS OF 2001;"

2. Page 1, line 16 through page 9, line 23.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through 12], unless otherwise stated, the following definitions apply:

(1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 12].

(2) "LRBP" means the long-range building program account in the capital projects fund type.

(3) "Other funding sources" means money other than LRBP money, including special revenue fund money, that accrues to an agency under the provisions of law."

**Insert:** "NEW SECTION. Section 2. Capital projects appropriations and authorizations. (1) Subject to [section 8(2)], the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer either or both the appropriations and authority among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
MONTANA SCHOOL FOR THE DEAF AND BLIND		
Facility Improvements, Montana School for the Deaf and Blind	\$400,000	
DEPARTMENT OF ADMINISTRATION		
Roof Repair and Replacement, Statewide	3,091,700	\$206,500 Federal Special Revenue
Repair/Preserve Building Exteriors, Statewide	500,000	
Window Repairs and Replacement, Statewide	1,275,000	
Deferred Maintenance, Montana Law Enforcement Academy	765,000	
Hazardous Materials Abatement, Statewide	500,000	
Code/Deferred Maintenance Projects, Statewide	1,262,300	90,000 Federal Special Revenue
Repair Deteriorated Campus Infrastructure, Statewide	550,000	
Major Maintenance and Repairs to State Capitol	500,000	
Upgrade Fire Alarm Systems, Statewide	400,000	
Repair Elevators, Capitol Complex	800,000	
Upgrade 1100 North Last Chance Gulch	1,208,000	
DPHHS Commodity Warehouse Expansion, Helena		2,000,000 Federal Special Revenue, Donations, and

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Grants

Public Restrooms, Virginia City and Nevada City 99,950  
Public Safety Learning Center, Montana Law Enforcement Academy 3,450,000 Federal Special Revenue, Donations, and Grants

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the Public Safety Learning Center.

Long-Range Building Program Funding Interim Project 8,000

**MONTANA HISTORICAL SOCIETY**

Montana Historical Society Building, Helena 20,000,000 Donations and Grants

Authority is granted to the department of administration in the indicated amount for the construction of a new historical society building.

**DEPARTMENT OF CORRECTIONS**

Improve Water System, Montana State Prison 125,000

Improve High-Side Kitchen Ventilation,  
Montana State Prison 117,300

Improve Perimeter Security,  
Montana State Prison 1,400,000

**DEPARTMENT OF FISH, WILDLIFE, AND PARKS**

Hatchery Maintenance, Statewide 575,000 State Special Revenue

Rose Creek Hatchery 575,000 Federal Special Revenue

Fort Peck Storage/Office Space 1,700,000 State Special Revenue

Administrative Facilities Repair, Maintenance  
and Improvements 150,000 Federal Special Revenue

Improve Perimeter Security,  
Montana State Prison 1,400,000

**DEPARTMENT OF MILITARY AFFAIRS**

Federal Spending Authority 2,100,000 Federal Special Revenue

Western Montana Veterans' Cemetery, Missoula 3,200,000 Federal Special Revenue

Montana State Veterans' Cemetery Columbarium,  
Fort Harrison 500,000 Federal Special Revenue

**MONTANA UNIVERSITIES AND COLLEGES**

ADA/Code/Deferred Maintenance Projects,  
Montana University System 1,400,000

Upgrade Steam Distribution System,  
UM-Missoula 5,935,000 3,060,000 Auxiliary Funds

Upgrade HVAC Systems, Pershing and  
Brockman Halls, MSU-Northern 524,000

Heating System Improvements, Academic  
Center and McMullen Halls, MSU-Billings 245,000

Mining and Geology Building Mechanical System  
Renovation, UM-Butte 920,000

Upgrade Health Sciences HVAC System,  
Phase 2, UM-Missoula 970,000

Renovate Domestic Water Distribution System,  
UM-Dillon 183,100

Classroom/Laboratory Upgrades, Montana  
University System 1,000,000

Facility Repairs and Improvements, MSU-Billings 545,000

Heating Plant Phase 3, MSU-Bozeman 950,000

Renovate HVAC Systems, Science Complex  
3rd and 4th Floors, UM-Missoula 610,000

Water/Sewer System Repairs and Maintenance,  
MSU-Bozeman 250,000 250,000 Auxiliary Funds

Upgrade Primary Electrical Distribution,  
MSU-Bozeman 750,000 750,000 Auxiliary Funds

Facility Repairs and Improvements,  
MSU-Agricultural Experiment Stations 480,000

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MSU-Agricultural Experiment Station Projects	650,000	
Campus Improvements, MSU-Northern	640,000	300,000 Auxiliary Funds
New Construction, Consolidate Campus,		
UM-Missoula College of Technology	24,500,000	Federal Special Revenue, Donations,
Grants, and Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing a new university of Montana-Missoula college of technology.		
New Native American Center, UM-Missoula	2,500,000	Federal Special Revenue, Donations, Grants, and
Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the Native American center. This authority augments \$3,500,000 of existing authority for this capital improvement.		
New Gallery Space, UM-Missoula	6,000,000	Federal Special Revenue, Donations, Grants,
and Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing new gallery space.		
New Forestry Complex, UM-Missoula	20,000,000	Federal Special Revenue, Donations, Grants,
and Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new forestry complex.		
MBMG/Petroleum Building, UM-Tech, Butte	5,400,000	Federal Special Revenue, Donations, Grants,
and Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the MBMG/petroleum building.		
Research Lab Facility, UM-Missoula	3,000,000	Federal Special Revenue,
Donations, Grants, and		
Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the research lab facility.		
Any increase in costs for the operations and maintenance of the research lab facility must be paid by the university of Montana with nonstate revenue.		
VisComm Black Box Theater,		
MSU-Bozeman	2,750,000	Federal Special Revenue,
Donations, Grants,		
and Higher Education Funds		
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the new viscomm black box theater.		
Animal Bioscience Building, MSU-Bozeman	7,500,000	Federal Special Revenue,
		Donations, Grants,
		and
		Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the animal bioscience building. This authority augments \$5,000,000 of existing authority for this capital improvement.		
Museum of the Rockies, MSU-Bozeman	12,000,000	Federal Special Revenue,
		Donations, Grants,
		and
		Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of constructing improvements to the museum of the rockies.		
Native American Student Center, MSU-Bozeman	8,000,000	Federal Special Revenue,
		Donations, Grants,
		and
		Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the Native American student center.		

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
Facility Improvements, Montana



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State Hospital, Warm Springs	595,500	
Facility Improvements, Montana		
Developmental Center, Boulder	219,140	
Demolish Abandoned Buildings,		
Public Health and Human Services	1,750,000	
Stabilize Old Administration Building, Montana Developmental Center, Boulder		180,000
Secure Housing Unit, Montana		
Developmental Center, Boulder	2,542,000	
Special Care Unit Renovations,		
Eastern Montana Veterans' Home, Glendive	475,000	
State Special Revenue		
Facility Renovation and Improvements,		
Montana Veterans' Home, Columbia Falls	465,000	State Special Revenue
Construct Chapel, Montana State Hospital,		
Warm Springs	350,000	Donations and Grants
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the chapel at the Montana state hospital in Warm Springs.		
DEPARTMENT OF TRANSPORTATION		
Equipment Storage Buildings, Statewide	635,000	State Special Revenue
Chiller/Cooling Towers Replacement,		
Helena Headquarters	350,000	State Special Revenue
Office Addition, Billings	500,000	State Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Replace Clearwater Unit Fire Cache	250,000	
OFFICE OF THE GOVERNOR		
Historic and Cultural Properties Interim Study	20,000	
(2) (a) For the purpose of constructing a privately funded chapel at the Montana state hospital in Warm Springs, the department of administration may waive, in whole or in part, the requirements pertaining to:		
(i) bidding and bonding for state building projects in Title 18;		
(ii) labor requirements in Title 18; and		
(iii) contractor registration in Title 39.		
(b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:		
(i) to obtain the volunteer services and donated materials from members of the public, civic organizations, and other entities;		
(ii) to obtain the compensated services of contractors who are donating significant amounts of labor, time, and materials; and		
(iii) to meet the terms and conditions for receipt of major sums of money from private or public funding sources, including individual donations.		
(3) (a) For the purpose of selling the Jocko fish hatchery to the Confederated Salish and Kootenai tribes and in exchange for constructing and improving the fish hatchery at the Rose Creek hatchery, the department of fish, wildlife, and parks may waive, in whole or in part, the requirements pertaining to:		
(i) public bids for land disposal in 87-1-209(3); and		
(ii) the real property trust fund in 87-1-601.		
(b) The waiver pursuant to subsection (3)(a) may be exercised only under the circumstances described in subsection (3)(a). The waiver does not affect the department's requirement to obtain full market value pursuant to Article X, section 11, of the Montana constitution."		
<b>Insert: "NEW SECTION. Section 3. Fund transfer.</b> There is transferred from the general fund \$9.9 million in fiscal year 2006 and \$19.4 million in fiscal year 2007 to the long-range building program account in the capital projects fund type for the projects enumerated in [section 2]."		
<b>Insert: "NEW SECTION. Section 4. Capital improvements.</b> (1) Subject to [section 17], the following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization.		
Agency/Project	LRBP	Other Funding Sources
Big Springs PCB Cleanup		\$2,375,000 State Special Revenue
	2,375,000	Federal Special Revenue
Future Fisheries	1,190,000	State Special Revenue
Fishing Access Site Maintenance		350,000 State Special Revenue

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Fishing Access Site Protection	800,000	State Special Revenue
Community Fishing Ponds	50,000	Federal Special Revenue
Boat Washing Stations	25,000	State Special Revenue
		75,000 Federal Special Revenue
Fish Cleaning Stations	112,500	Federal Special Revenue
		37,500 Donations and Grants
Upland Game Bird Program	1,220,000	State Special Revenue
Wildlife Habitat Maintenance	750,000	State Special Revenue
Migratory Bird Stamp Program	625,000	State Special Revenue
Motorboat Recreation Site Improvements		2,305,000 State Special Revenue
		2,000,000 Donations
Cultural and Historic Parks Improvements	2,245,000	State Special Revenue
	300,000	Donations and Grants
Grant Programs/Federal Projects	330,000	State Special Revenue
		5,000,000 Federal Special Revenue

(2) (a) Authority is granted to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, UM-All Campuses	\$4,000,000	Federal Special Revenue, Higher Education Funds, Donations, and Grants

(b) All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by the university of Montana with nonstate revenue.

(3) (a) Authority is granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, MSU-All Campuses	\$7,000,000	Federal Special Revenue, Higher Education Funds, Donations, and Grants

(b) All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by Montana state university with nonstate revenue.

(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Facility Maintenance, Repair, and Small Projects, Statewide	\$3,515,000	State Special Revenue"

**Insert: "NEW SECTION. Section 5. Land acquisition appropriations.** Subject to [section 17], the following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreement:

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Acquisition, Statewide		\$650,000 State Special Revenue
		100,000 Federal Special Revenue
Habitat Montana		5,430,000 State Special Revenue"

**Insert: "NEW SECTION. Section 6. Dams.** (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for department dams:

Agency/Project	LRBP	Other Funding Sources
FWP Dams Repair		\$264,000 State Special Revenue

(2) In accordance with 85-1-101, the department of natural resources and conservation shall coordinate and manage the projects."

**Insert: "NEW SECTION. Section 7. Transfer of funds.** The department of fish, wildlife, and parks and the department of transportation are authorized to transfer either or both the appropriations and authority in [sections 4 through 6] among the necessary fund types for these projects."

**Insert: "NEW SECTION. Section 8. Planning and design.** (1) Subject to subsection (2), the department of administration may proceed with the planning and design of capital projects prior to the receipt of money from other

funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of money from other funding sources.

(2) The department may not expend funds appropriated for statewide roof repair in [section 2] or under subsection (1) of this section until after the department has entered into a contract for roof repair at the Pine Hills school in Miles City."

**Insert: "NEW SECTION. Section 9. Capital projects -- contingent funds.** If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of administration may not let the project for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

(1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [sections 2 through 6] for that project; or

(2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2007 biennium long-range building program presented to the 59th legislature."

**Insert: "NEW SECTION. Section 10. Review by department of environmental quality.** The department of environmental quality shall review capital projects authorized in [sections 2 through 6] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after the review."

**Insert: "NEW SECTION. Section 11. University buildings -- operation and maintenance.** (1) The 59th legislature finds that the operation and maintenance of portions of new building space that supports academic missions of the university system should be funded with current unrestricted university funds. The funding of current unrestricted university funds is shared between state general fund, tuition, and other minor sources.

(2) The office of budget and program planning, the architecture and engineering division of the department of administration, the legislative fiscal division, and the Montana university system are directed to come to an agreement and to recommend to the 60th legislature the portions of new building space that support academic missions of the university system and funding allocations between the general fund and tuition. If the legislative audit division conducts a performance audit of the university system building program, then the office of budget and program planning, the architecture and engineering division of the department of administration, the legislative fiscal division, and the Montana university system shall take the results of the audit into consideration in making a recommendation.

(3) If the university system chooses to build nonacademic buildings, the operation and maintenance costs for the buildings must be funded from nonstate and nontuition sources."

**Insert: "NEW SECTION. Section 12. Legislative consent.** The appropriations authorized in [sections 1 through 6] constitute legislative consent for the capital projects contained in [sections 1 through 6] within the meaning of 18-2-102."

**Insert: "Section 13.** Section 87-1-209, MCA, is amended to read:

**"87-1-209. Acquisition and sale of lands or waters.** (1) The department, with the consent of the commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements upon lands or waters for the purposes listed in this subsection. The department may develop, operate, and maintain acquired lands or waters:

(a) for fish hatcheries or nursery ponds;  
(b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection;

(c) for public hunting, fishing, or trapping areas;  
(d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;

(e) for state parks and outdoor recreation;

(f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

(2) The department, with the consent of the commission, may acquire by condemnation, as provided in Title 70, chapter 30, lands or structures for the preservation of historical or archaeological sites that are threatened with destruction or alteration.

(3) (a) ~~The Subject to [section 2(3)],~~ the department, with the consent of the commission, may dispose of lands and water rights acquired by it on those terms after public notice as required by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state lands and with or without reservation, as it considers necessary and advisable. The department, with the consent of the commission, may convey department

lands and water rights for full market value to other governmental entities without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the department conveys land or water rights to another governmental entity pursuant to this subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by mail to the landowners whose property adjoins the department property being conveyed.

(b) ~~Notice Subject to [section 2(3)],~~ notice of sale describing the lands or waters to be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation printed and published in the county where the lands or waters are situated or, if a newspaper is not published in that county, then in any newspaper with general circulation in that county.

(c) The notice must advertise for cash bids to be presented to the director within 60 days from the date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due, then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after notification.

(d) The department shall reserve the right to reject any bids that do not equal or exceed the full market value of the lands and waters as determined by the department. If the department does not receive a bid that equals or exceeds fair market value, it may then sell the lands or water rights at private sale. The price accepted on any private sale must exceed the highest bid rejected in the bid process.

(4) The department shall convey lands and water rights without covenants of warranty by deed executed by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary of state and further countersigned by the director.

(5) The department, with the consent of the commission, is authorized to utilize the installment contract method to facilitate the acquisition of wildlife management areas in which game and nongame fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access to fishing sites for the public. The total cost of installment contracts may not exceed the cost of purchases authorized by the department and appropriated by the legislature.

(6) The department is authorized to enter into leases of land under its control in exchange for services to be provided by the lessee on the leased land. "

**Insert: "Section 14.** Section 87-1-601, MCA, is amended to read:

**"87-1-601. Use of fish and game money.** (1) (a) Except as provided in subsections (7) and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

- (i) the general license account;
- (ii) the license drawing account;
- (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and

(iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) ~~Money~~ Except as provided in [section 2(3)], money must be deposited in an account in the permanent fund if it is received by the department from:

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(i) the sale of surplus real property;  
(ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department except royalties or other compensation based on production; and  
(iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.

(6) Money received from the collection of license drawing applications is not subject to the deposit requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable time after receipt.

(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.

(8) The department of revenue shall deposit in the state general fund one-half of the money received from the fines pursuant to 87-1-102.

(9) (a) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.

(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) At the end of each fiscal year, any money remaining in the special revenue account after the transfers provided for in this section must be transferred to the general license account of the department."

**Insert:** "Section 15. Section 2, Chapter 557, Laws of 1999, is amended to read:

**"Section 2. Capital projects appropriations.**(1) Except as provided in subsection (4)(c), the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project LRBP Other Funding Sources

**DEPARTMENT OF ADMINISTRATION**

Health and Safety Projects, Statewide \$730,000 \$ 250,000 Auxiliary

Hazardous Material Remediation, Statewide 300,000

Roof Replacements or Repairs, Statewide 521,000

Facility Assessments, Statewide 100,000 50,000 State Special Revenue

100,000 Federal Special Revenue

50,000 Auxiliary

Capital Renovation 1,000,000 Capitol Land Grant Revenue

Renovate Haynes Gallery Area,

Historical Society 1,000,000 Donations

**DEPARTMENT OF CORRECTIONS**

Expand Women's Prison, MWP 6,475,000 Federal Special Revenue

Missoula Regional Correctional Facility

Supplemental 526,497 Federal Special Revenue

Construct Reception Unit, MSP 5,500,000 Federal Special Revenue

170,000 General Fund

**DEPARTMENT OF FISH, WILDLIFE AND PARKS**

Bluewater Hatchery Renovations 200,000 State Special Revenue

Construct Fort Peck Fish Hatchery 14,640,000 Federal Special Revenue

**DEPARTMENT OF MILITARY AFFAIRS**

Construct New Armory, Kalispell 3,900,000 Federal Special Revenue

Construct New Armory, Bozeman 4,600,000 Federal Special Revenue

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**MONTANA UNIVERSITY SYSTEM**

Sprinkle Library, UM-Missoula 657,000  
Ventilate and Update Fine  
Arts Building, UM-Missoula 450,000  
Boiler Upgrade and Ventilation, UM-Tech 530,000 120,000 Auxiliary  
Maintain HVAC Systems, MSU-Billings  
and COT-Billings 500,000  
Replace Steam Distribution Piping, UM-Dillon 800,000 400,000 Auxiliary  
Upgrade Boiler Controls, UM-Missoula 125,000 100,000 Auxiliary  
Roof Replacements or Repairs,  
University System 1,591,000  
Maintain Main Hall Exterior, UM-Dillon 225,000  
Renovate Cowan Hall, MSU-Northern 511,000  
Addition to Paxson Gallery, UM-Missoula 2,500,000 Higher Education Funds, Federal, Donations, Grants, Plant  
Funds  
Applied Technology Center Feasibility Study,  
MSU-Northern 50,000  
Construct Nondenominational  
Chapel, UM-Tech 1,500,000 Donations  
Forestry/Journalism Addition, UM-Missoula 10,000,000 Federal, Donations, Grants, Plant Funds  
Native American Study Center, UM-Missoula 3,500,000 Higher Education Funds, Federal, Donations, Grants, Plant  
Funds  
~~Life Sciences Building, UM-Missoula 23,000,000 Federal, State, Donations,~~  
~~Grants, Plant Funds~~  
Rural Technology Education Center, UM-Dillon 350,000 Higher Education Funds, Federal, Donations, Grants, Plant  
Funds

**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**

Lincoln Unit Office/Quarters and

Clearwater Egress 125,000

**DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

Sprinkle MMHNCC, Lewistown 300,000

Construct Special Care Unit,

Montana Veterans' Home 1,179,374 State Special Revenue

Improve Eastern Montana Veterans' Home 290,250 State Special Revenue

Improve Montana Veterans' Home 187,530 State Special Revenue

**DEPARTMENT OF TRANSPORTATION**

Construct Equipment Storage Buildings

and Roof Replacement at Helena

Headquarters, Statewide 2,100,000 Highways State Special Revenue

Construct Core Drilling Building, Helena 1,000,000 Highways State Special Revenue

(2) In the event one or both of the national guard armories located in Bozeman and Whitefish, Montana, and approved in House Bill No. 14 for replacement are sold prior to construction of the new Bozeman and Kalispell armories, the proceeds of the sale that were deposited to the general fund are appropriated for replacement construction up to a maximum of \$4,000,000 and the bond authority in House Bill No. 14 is reduced by a like amount.

(3) The department of public health and human services is seeking federal funds for use in the construction of the special care unit, Montana veterans' home. If federal funds become available for this purpose, the department shall reimburse funds from the state special revenue account used to build the new unit. The total amount approved for the project from all sources is \$1,179,374.

(4) (a) The 56th legislature authorizes four department of corrections' capital construction projects in the 2001 biennium. Funding for the projects is contained in House Bill No. 14 and subsection (1) of this section. The total project cost and the authorized funding for each project are as follows:

(i) \$9,375,000 for the women's prison expansion in Billings, funded by \$2,900,000 of general obligation bond proceeds authorized in House Bill No. 14 and by \$6,475,000 of federal funds appropriated in subsection (1) of this section;

(ii) \$2,225,000 for completing the Pine Hills youth correctional facility in Miles City, funded from general obligation bond proceeds authorized in House Bill No. 14;

(iii) \$5,670,000 to construct a reception unit at Montana state prison in Deer Lodge, funded by \$170,000

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of general fund money and by \$5,500,000 of federal funds appropriated in subsection (1) of this section; and

(iv) \$3,000,000 for security improvements and expanding the Wallace building at Montana state prison in Deer Lodge, funded from general obligation bond proceeds authorized in House Bill No. 14.

(b) The 56th legislature notes that approximately \$8,714,600 of federal department of justice funds are anticipated to become available for capital construction projects for the department of corrections in the 2001 biennium. It is the intent of the 56th legislature that the federal funds be used to the maximum extent possible. It is further the intent of the 56th legislature that the priority for using these federal funds is:

(i) up to \$6,475,000 for the women's prison expansion project, line-itemed in subsection (1);

(ii) up to \$526,497 for the Missoula regional correctional facility supplemental; and

(iii) up to \$5,500,000 for the construction of the reception unit at Montana state prison, line-itemed in subsection (1).

(c) (i) It is the intent of the legislature that the department of corrections may not accept federal funds for capital construction unless all conditions necessary to receive the federal dollars have been irrevocably met in advance of the expenditure of the federal funds.

(ii) It is further the intent of the legislature that federal spending authority for a capital construction project may be used only for the project identified in the law authorizing the project and may not be used for any other project.

(5) The appropriation for the Fort Peck fish hatchery in subsection (1) is contingent upon passage and approval of House Bill No. 20.

(6) The 56th legislature authorizes the construction of the rural technology education center at western Montana college of the university of Montana at a total project cost of \$4,520,000. Subsection (1) of this section contains \$350,000 in other revenue authority for this project, and House Bill No. 14 contains \$4,170,000 in general obligation bond authority for this project. In the event that other additional funds become available for this project during its construction, the general obligation bond authority in House Bill No. 14 must be reduced by a like amount and other revenue authority is increased by a like amount in subsection (1) of this section for the same purpose."

**Insert: "Section 16.** Section 2, Chapter 573, Laws of 2001, is amended to read:

**"Section 2. Capital projects appropriations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project LRBP Other Funding Sources

DEPARTMENT OF ADMINISTRATION

Life Safety Projects, Statewide \$400,000

Hazardous Material Mitigation Fund 350,000

Roof Replacements or Repairs, Statewide 499,000

Project Litigation Fund 475,000

Capitol Complex Land Acquisition \$400,000 Capitol Land Grant Revenue

DEPARTMENT OF CORRECTIONS

Construction of Central Reception Unit 1,000,000 Federal Special Revenue

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Administrative Facility Repair and Maintenance 764,000 State Special Revenue

DEPARTMENT OF JUSTICE

Upgrade Foundations and Boiler, MLEA 200,000

DEPARTMENT OF MILITARY AFFAIRS

Construct New Dillon Armory 3,800,000 Federal Special Revenue

Construct New Kalispell Armory 3,700,000 Federal Special Revenue

MONTANA UNIVERSITIES AND COLLEGES

Replace Primary Power Distribution 162,750 59,375 Auxiliary

System, UM-Dillon

Roof Replacements or Repairs, 426,000

University System

Heating Plant Steam Distribution, 438,750 236,250 Auxiliary

Phase II, UM-Tech

Chemistry Building Addition, UM-Missoula 3,200,000 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

All operating and maintenance expenses of the chemistry building addition are to be paid by the university of Montana-Missoula. Appropriation authority in excess of funds pledged for this project as of June 30, 2003, must be reverted.

Master Plan Campuses, University System 100,000 150,000 Higher Education Funds,

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Federal, Donations, Grants,  
Plant Funds

This project will focus on maximizing use of existing buildings on the campuses.

Animal and Range Science Facility, 5,000,000 Higher Education Funds,

MSU-Bozeman Federal, Donations, Grants,

Nonstate Funds, Plant Funds

Gaines Hall Renovation/Addition Project Design,

MSU-Bozeman 2,000,000 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

Agricultural Experiment Station, MSU-Bozeman 1,000,000 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

Develop Classroom/Lab Design,

MSU-COT, Billings 50,000

Multi Media Center, Yellow Bay, 1,350,000 Federal, Donations, Grants,

UM-Missoula Nonstate Funds, Plant Funds

All construction, operation, and maintenance expenses of the Yellow Bay multi media center are to be paid by the center.

Law Building Renovation/Expansion, 5,000,000 Federal, Donations, Grants,

UM-Missoula Nonstate Funds, Plant Funds

~~All operating and maintenance expenses of the law building addition are to be paid by the university of Montana-Missoula.~~

School of Journalism Building, 12,000,000 Federal, Donations, Grants,

UM-Missoula Nonstate Funds, Plant Funds

~~Appropriation authority in excess of funds pledged for this project as of June 30, 2005, must be reverted. All~~

~~operating and maintenance expenses of the school of journalism building are to be paid by the university of Montana-Missoula.~~

Construct Applied Technology Center, 3,000,000 Federal, Donations, Grants, MSU-Northern Nonstate Funds, Plant Funds

Install PBS Digital Conversion, MSU-Bozeman 3,059,455 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

The university system and the information services division of the department of administration will work together to develop network plans or procedures that provide for the highest degree of bandwidth and cost-sharing capability between the university system and the department that is within technical specifications agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired by the university system or the department of administration to meet the needs of the public broadcast system, including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the public broadcast system.

Develop Design to Expand COT,

UM-COT, Helena 125,000

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Expand Unit Office, Libby 94,000

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Licensure Compliance, MMHNCC 524,000

Montana Veterans' Home Improvements, 165,875 State Special Revenue

Columbia Falls

Eastern Montana Veterans' Home 177,800 State Special Revenue

Improvements, Glendive

The legislature consents to the construction of the good shepherd chapel at the Montana developmental center in Boulder with donated funds. The construction of the chapel is exempt from provisions of Title 18.

STATE BOARD OF EDUCATION

Facility Improvements, Montana 315,160

School for the Deaf and Blind

DEPARTMENT OF TRANSPORTATION

Construct Equipment Storage Buildings, 2,700,000 Highways State

Statewide Special Revenue

(2) The Montana state university agricultural experiment station shall use these funds to construct and repair various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for Moccasin,



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\$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for these projects will be funded from non-LRBP sources, and the amount of \$1 million will be funded from CPF in House Bill No. 14.

(3) For purposes of obtaining cash for the construction litigation appropriation authority in subsection (1), the architecture and engineering division of the department of administration may transfer any excess LRBP money from an agency as long as the transfer does not move funds required to complete any authorized agency project.

(4) The following projects are appropriated from the LRBP funding to the department of administration, in addition to the projects listed in subsection (1), by the decrease in bond debt service paid from the LRBP in House Bill No. 14:

Agency/Project LRBP Other Funding Sources  
DEPARTMENT OF ADMINISTRATION  
Life Safety Projects, Statewide \$300,000  
Hazardous Material Mitigation, Statewide 90,000  
Roof Replacements or Repairs, Statewide 150,000  
MONTANA UNIVERSITIES AND COLLEGES  
Code Compliance/Deferred  
Maintenance, All Campuses 550,000  
Develop Design to Expand COT,  
UM-COT, Helena 240,000"

**Insert:** "COORDINATION SECTION. Section 17. Coordination instruction. If House Bill No. 79 is not passed and approved, then:

(1) the state special revenue appropriation for the wildlife habitat maintenance project in [section 4] is reduced to \$487,500; and

(2) the state special revenue appropriation for habitat Montana in [section 5] is reduced to \$2,747,500."

**Insert:** "COORDINATION SECTION. Section 18. Coordination instruction. If House Bill No. 777 is not passed and approved, then the appropriation in [section 2(1)] to the office of the governor for the historic and cultural properties interim study is void."

**Insert:** "NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert:** "NEW SECTION. Section 20. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 6**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "FOR GRANTS;"

**Insert:** "PROVIDING FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE RENEWABLE RESOURCE GRANT ACCOUNT; TEMPORARILY REVISING THE USE OF THE RENEWABLE RESOURCE GRANT AND LOAN STATE SPECIAL REVENUE ACCOUNT;"

2. Title, line 10.

**Following:** "DATES"

**Insert:** "AND A TERMINATION DATE"

3. Page 1, line 22.

**Following:** "conservation"

**Strike:** "\$4"

**Following:** "\$4.6"

4. Page 3, line 20.

**Strike:** "Ranch-Lake"

**Insert:** "Ranch"

5. Page 5.

**Strike:** line 8 through line 9 in their entirety

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6. Page 5.

**Following:** line 11

**Insert:** "Missoula County"

"(Grant Creek Restoration and Flood Mitigation) \$100,000"

7. Page 7, line 13.

**Insert:** "NEW SECTION. **Section 6. Fund transfer.** At the beginning of fiscal year 2007, the amount of \$600,000 is transferred from the state general fund to the renewable resource grant and loan program state special revenue account established in 85-1-604 for the purpose of making grants."

**Renumber:** subsequent sections

8. Page 8, line 3.

**Following:** line 2

**Insert:** "(4) For the biennium beginning July 1, 2005, appropriations may be made from the renewable resource grant and loan program state special revenue account for administrative expenses, including salaries and expenses for personnel and equipment, office space, and other expenses necessarily incurred in natural resource-related programs."

9. Page 8, line 12.

**Strike:** "[Sections 2 through 8 and this section] are"

**Following:** "Except as provided in subsection (2), [this act] is"

10. Page 8, line 15.

**Insert:** "NEW SECTION. **Section 11. Termination.** [Section 6(4)] terminates June 30, 2007."

And, as amended, do pass. Report adopted.

**HB 7**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "FUNDS;"

**Insert:** "TEMPORARILY REVISING THE USE OF THE RECLAMATION AND DEVELOPMENT GRANTS ACCOUNT;"

2. Page 1, line 17.

**Strike:** "\$4"

**Insert:** "\$4.9"

3. Page 2, line 18.

**Strike:** "\$300,000"

**Insert:** "\$900,000"

4. Page 3.

**Following:** line 6

**Insert:** "Montana Department of Environmental Quality"

"(Former Harlem Equity Co-Op Bulk Plant) \$285,572"

5. Page 4, line 7.

**Strike:** "\$100,000"

**Insert:** "\$57,115.94"

6. Page 4, line 25.

**Following:** line 24

**Insert:** "(4) For the biennium beginning July 1, 2005, appropriations may be made from the reclamation and development grants special revenue account for administrative expenses, including salaries and expenses for personnel and equipment, office space, and other expenses necessarily incurred in natural resource-related programs."

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And, as amended, do pass. Report adopted.

**HB 8**, do pass. Report adopted.

**HB 9**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "approved and"

**Strike:** "amounts"

**Insert:** "\$792,925 is"

2. Page 2, line 22.

**Strike:** "\$4,200"

**Insert:** "\$4,500"

3. Page 3, line 1.

**Strike:** "\$3,500"

**Insert:** "\$4,500"

4. Page 3, line 2.

**Strike:** "\$3,500"

**Insert:** "\$4,500"

5. Page 3.

**Strike:** line 4 in its entirety

6. Page 3.

**Strike:** line 7 in its entirety

7. Page 3.

**Following:** line 8

**Insert:** "1113 Browning Community Development Corporation \$9,000"

8. Page 3, line 14.

**Strike:** "\$3,500"

**Insert:** "\$4,500"

9. Page 3, line 18.

**Strike:** "\$21,200"

**Insert:** "\$30,000"

10. Page 4, line 9.

**Strike:** "\$3,500"

**Insert:** "\$4,500"

11. Page 4, line 20.

**Strike:** "\$3,500"

**Insert:** "\$4,500"

12. Page 4, line 25.

**Strike:** "\$6,300"

**Insert:** "\$12,300"

13. Page 4, line 28.

**Strike:** "\$3,528"

**Insert:** "\$4,500"

14. Page 5, line 6.

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**Following:** "reductions to"  
**Strike:** "all"  
**Following:** "projects"  
**Insert:** " with funding greater than \$4,500"

And, as amended, do pass. Report adopted.

**HB 11**, introduced bill, be amended as follows:

1. Title, line 8.  
**Following:** "ACCOUNT"  
**Insert:** "AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT"
2. Title, line 22.  
**Strike:** "CERTAIN"  
**Insert:** "A "  
**Strike:** "GRANTS"  
**Insert:** "GRANT"  
**Following:** "90-6-703"  
**Insert:** ", "  
**Strike:** "AND"
3. Title, line 23.  
**Following:** "90-6-710,"  
**Insert:** "AND 90-6-715,"
4. Page 1, line 28.  
**Following:** "department of commerce"  
**Strike:** "the interest earnings of"  
**Insert:** "\$16.2 million of the interest earnings from"
5. Page 2, line 10.  
**Strike:** "\$500,000"  
**Insert:** "\$650,000"
6. Page 2, line 11.  
**Strike:** "524,503"  
**Insert:** "674,503"
7. Page 2, line 12.  
**Strike:** "500,000"  
**Insert:** "650,000"
8. Page 2, line 13.  
**Strike:** "500,000"  
**Insert:** "650,000"
9. Page 3, line 14.  
**Strike:** "Ranch-Lake"  
**Insert:** "Ranch"
10. Page 4, line 7.  
**Following:** "may"  
**Strike:** "not"
11. Page 4, lines 7 through 9.  
**Following:** "funds"

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**Strike:** remainder of line 7 through line 9 in their entirety

**Insert:** "only if one or more of the projects numbered 1 through 39 terminate their right to the awarded funds in writing prior to the end of the 2007 biennium."

12. Page 8.

**Following:** line 4

**Insert:** "28. Essex Water and Sewer District, Flathead County (water) 100,000"

13. Page 11, line 29.

**Insert:** "Section 9. Section 90-6-715, MCA, is amended to read:

**"90-6-715. (Temporary) Special revenue account--use. (1)**

**(a)** The treasure state endowment regional water system special revenue account may be used to:

**(i)** provide matching funds to plan and construct regional drinking water systems in Montana;

**(ii)** pay the debt service for regional water system bond issues; and

**(iii)** ~~to~~ provide funding of administrative expenses for state and local entities associated with regional drinking water systems.

**(b)** Except for the debt service and administrative expenses provided for in ~~this~~ subsection **(1)(a)**, each state dollar must be matched equally by local funds. Federal and state grants may not be used as a local match.

**(2)** Up to 25% of the local matching funds required under subsection (1) for the treasure state endowment regional water system may be in the form of debt that was incurred by local government entities included in the regional water system to construct individual drinking water systems before the individual systems were connected to the regional system. However, the amount of an individual entity's debt that may be used for matching funds is limited to the amount necessary to allow the entity to maintain its water service charges below the hardship standard established by the department through administrative rules adopted under 90-6-710.

**(3)** The funds in the account are further restricted to be used to finance regional drinking water systems that supply water to large geographical areas and serve multiple local governments, such as projects in north central montana, from the waters of the Tiber reservoir, that will provide water for domestic use, industrial use, and stockwater for communities and rural residences that lie south of the Canadian border, west of Havre, north of Dutton, and east of Cut Bank and in northeastern Montana, from the waters of the Missouri River, that will provide water for domestic use, industrial use, and stockwater for communities and rural residences that lie south of the Canadian border, west of the North Dakota border, north of the Missouri River, and east of range 39.

**(4)** The funds must be administered by the department of natural resources and conservation for eligible projects.

(Terminates June 30, 2016--sec. 1, Ch. 70, L. 2001.)"

{*Internal References to 90-6-715:*

*17-5-703x*}"

**Renumber:** subsequent sections

14. Page 12, line 6.

**Following:** "\$5,300,000 is"

**Strike:** "authorized"

**Insert:** "appropriated"

15. Page 12, line 9.

**Strike:** "11(1)"

**Insert:** "12(1)"

16. Page 12, line 15.

**Strike:** "9(2)"

**Following:** "10(2)"

17. Page 12, line 20.

**Strike:** "9"

**Insert:** "10"

**Strike:** "11"

**Insert:** "12"

18. Page 13, line 1.

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**Insert:** "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 748 is passed and approved, then [sections 9 through 12 of this act] are void."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 12**, introduced bill, be amended as follows:

1. Page 2, line 11.

**Following:** "authorization"

**Insert:** "-- appropriation"

2. Page 2, line 12.

**Following:** "exceed"

**Strike:** "\$2.5"

**Insert:** "\$3.75"

3. Page 2, line 26.

**Following:** "projects"

**Strike:** remainder of line 26

4. Page 3, line 2.

**Following:** "(c)"

**Strike:** "advanced technology center and campus irrigation project"

**Insert:** "Pershing and Brockman halls"

5. Page 3, line 4.

**Following:** "Montana;"

**Strike:** "and"

6. Page 3, line 6.

**Following:** "services,"

**Strike:** "Helena"

**Insert:** "Lewistown"

**Strike:** ". "

**Insert:** " ;"

7. Page 3.

**Following:** line 6

**Insert:** "(f) boiler replacements in academic support center, McMullen hall, Montana state university-Billings, Billings, Montana;

(g) high side kitchen ventilation, men's prison, department of corrections, Deer Lodge, Montana;

(h) health sciences phase II ground water cooling and heating, ventilation, and air conditioning improvements, university of Montana-Missoula, Missoula, Montana;

(i) irrigation and Aspen hall, Montana school for the deaf and blind, Great Falls, Montana;

(j) boiler replacement, women's prison, department of corrections, Billings, Montana; and

(k) wood-fired boiler, university of Montana-western, Dillon, Montana."

And, as amended, do pass. Report adopted.

**HB 299**, do pass. Report adopted.

**HB 540**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Following:** "proceeds."

**Insert:** "(1)"

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2. Page 1, line 18.

**Strike:** "designated entity"

**Insert:** "department of administration"

3. Page 1.

**Following:** line 21

**Insert:** "MONTANA HISTORICAL SOCIETY"

"Montana Historical Society Building \$7,500,000"

4. Page 1, line 24.

**Strike:** "\$16,500,000"

**Insert:** "11,000,000"

5. Page 1, line 25.

**Strike:** "9,500,000"

**Insert:** "9,000,000"

6. Page 1, line 29.

**Strike:** "7,000,000"

**Insert:** "9,000,000"

7. Page 1.

**Following:** line 29

**Insert:** "Gaines Hall Renovation, Phase I 3,500,000"

"MSUAES Projects 500,000"

**Insert:** "(2) The following money is appropriated from the CPF from the proceeds for the bonds authorized by [section 3] to the department of natural resources and conservation for the capital projects described in this section, contingent upon the authorization of general obligation bonds by the 59th legislature and the sale of bonds by the board of examiners:"

8. Page 2, line 4.

**Following:** "bonds"

**Insert:** "-- condition"

**Following:** "bonds."

**Insert:** "(1)"

**Strike:** "The"

**Insert:** "Subject to subsection (2), the"

9. Page 2, line 5.

**Following:** "not exceeding"

**Strike:** "\$60"

**Insert:** "\$67.5"

10. Page 2, line 10.

**Following:** line 9

**Insert:** "(2) The sale of bonds and the appropriation in [section 2] of bond proceeds for the St. Mary water project are contingent upon the receipt of the federal cost-share for the project."

11. Page 2, line 11.

**Following:** "department of administration"

**Insert:** "and department of natural resources and conservation"

12. Page 2, line 12.

**Strike:** "department"

**Insert:** "departments"

13. Page 2, line 30.

**Following:** line 29

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**Insert:** "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 748**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Insert:** "NEW SECTION. Section 3. Agreement with department of natural resource and conservation. The board of examiners and the department of natural resources and conservation may enter into an agreement for the match to federal construction funds for the purpose of regional water projects, under which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, an amount, as determined by the state treasurer, that is sufficient to pay the principal and interest due on the bonds and notes from which the appropriation was made. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for a match to federal construction funds for the purpose of regional water projects may be credited against the department's payment obligation. Payment by the department must be made from available funds."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

3/22/2005

**SB 137**, be concurred in. Report adopted.

**SB 265**, be concurred in. Report adopted.

**SB 325**, be amended as follows:

1. Page 2, line 7.

**Following:** "USED"

**Insert:** "unless the displays are the property of the retailer or, if supplied by a brewer, beer importer, or wholesaler, a display has been in the retailer's possession for more than 9 months"

And, as amended, be concurred in. Report adopted.

**SB 373**, be concurred in. Report adopted.

**SB 388**, be amended as follows:

1. Title, line 5.

**Following:** "AUTOMOBILE"

**Insert:** "BODY"

2. Title, line 6.

**Following:** "AUTOMOBILE"

**Insert:** "BODY"

**Strike:** "IT HAS"

**Insert:** "THEY HAVE"

3. Title, line 7.

**Following:** "AUTOMOBILE"

**Insert:** "BODY"

4. Title, line 8.

**Strike:** "OBJECTIVE"

**Insert:** "CERTAIN"

5. Page 1, line 14.

**Following:** "~~body~~"



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**Insert:** "body"  
**Strike:** "shops"  
**Insert:** "businesses"

6. Page 1, line 17.  
**Following:** "automobile"  
**Insert:** "body"

7. Page 1, line 20.  
**Following:** "automobile"  
**Insert:** "body"

8. Page 1, line 22.  
**Strike:** "IF"  
**Insert:** "Except as provided in subsection (2)(b), if"

9. Page 1, line 23.  
**Following:** "automobile"  
**Insert:** "body"

10. Page 1, line 25.  
**Following:** "automobile"  
**Insert:** "body"

11. Page 1, following line 27.  
**Insert:** "(b) An insurance company may limit the number of automobile body repair businesses or locations participating in the insurance company's direct repair program to those automobile body repair businesses or locations that comply with the provisions of subsection (2)(c). An insurance company is not required to establish a direct repair program in a particular market area in which the insurance company's number of policyholders does not support establishing a direct repair program with any automobile body repair business or location."

**Renumber:** subsequent subsection

12. Page 1, line 29.  
**Strike:** "an alphabetical"  
**Insert:** "a"  
**Following:** "automobile"  
**Insert:** "body"  
**Following:** "are"  
**Insert:** "reasonably close or convenient to the insured person and"

13. Page 1, line 30.  
**Strike:** "following objective criteria because"  
**Insert:** "insurance company's criteria regarding whether"  
**Following:** "because the"  
**Insert:** "automobile body repair"

14. Page 2, line 4.  
**Following:** "repairs"  
**Insert:** "at the prevailing competitive market price and"

15. Page 2, line 5.  
**Following:** "MEET"  
**Insert:** "reasonable"  
**Following:** "INDUSTRY"  
**Insert:** "repair"

16. Page 2, line 7.

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**Strike:** "and"

17. Page 2, following line 7.

**Insert:** "(v) agrees to inspection of its repairs and services by the insurance company and agrees that the insurance company may terminate the direct repair program with the automobile body repair business or location if the repairs and services are below the standards of quality required by the insurance company; and"

**Renumber:** subsequent subsection

18. Page 2, line 9.

**Strike:** "objective"

**Following:** "automobile"

**Insert:** "body"

19. Page 2, line 10.

**Following:** " "

**Insert:** "The additional criteria may include criteria determined to be necessary by the insurance company and designed to ensure that the automobile body repair business or location has the necessary estimating systems and programs and equipment to communicate electronically with the insurance company and that the automobile body repair business or location has taken steps to ensure the privacy of the insurance company and the insured person.

(d) If the insured person requests the list provided for in subsection (2)(c), the insurance company shall inform the insured person that the insured person may use an automobile body repair business or location at the sole discretion of the insured person.

(3) For the purposes of this section, an incentive or inducement does not include:

(a) providing an insured person with the list provided for in subsection (2)(c); or

(b) referring to a warranty issued by an automobile body repair business or location."

**Renumber:** subsequent subsections

20. Page 2, line 18.

**Following:** "automobile"

**Insert:** "body"

21. Page 2, line 19.

**Following:** "body"

**Insert:** "body"

22. Page 2, line 21.

**Following:** "body"

**Insert:** "body"

23. Page 2, line following 25.

**Insert:** "(5) If the insured person uses an automobile body repair business or location that is not on a list provided for in subsection (2)(c), the insurance company may not be held liable for any repair work performed by the automobile body repair business or location chosen by the insured person."

**Renumber:** subsequent subsections

24. Page 2, line 26.

**Following:** "automobile"

**Insert:** "body"

25. Page 2, line 27.

**Following:** "automobile"

**Insert:** "body"

26. Page 2, line 30.

**Following:** "automobile"

**Insert:** "body"

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And, as amended, be concurred in. Report adopted.

**SB 401**, be concurred in. Report adopted.

**HUMAN SERVICES** (Becker, Chairman): 3/22/2005

**SB 21**, be concurred in. Report adopted.

**SB 322**, be concurred in. Report adopted.

**SB 479**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman): 3/22/2005

**HJR 33**, be adopted. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman): 3/22/2005

**HB 769**, do pass. Report adopted.

**SB 164**, be amended as follows:

1. Page 2, line 3.

**Following:** "highway"

**Insert:** "but may not erect more than three markers along the highway"

And, as amended, be concurred in. Report adopted.

**SB 174**, be concurred in. Report adopted.

**SB 277**, be concurred in. Report adopted.

**SB 285**, be amended as follows:

1. Page 8, line 8.

**Strike:** "1.61%"

**Insert:** "1.54%"

2. Page 8, line 9.

**Strike:** "1.56%"

**Insert:** "1.52%"

3. Page 99, line 9.

**Strike:** "A"

**Insert:** "If a"

**Following:** "snowmobile"

**Strike:** "that"

**Following:** "and"

**Strike:** "that"

4. Page 99, line 10.

**Following:** "customers"

**Insert:** ", the business"

5. Page 99, lines 12 and 13.

**Following:** "year."

**Insert:** "a fee of \$20. If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed"

6. Page 230.

**Following:** line 10

**Insert:** "COORDINATION SECTION. Section 242. Coordination instruction. If both House Bill No. 752 and [this act] are passed and approved, section 61-3-204 must read as follows:

"**61-3-204. Replacement certificate of title -- application.** (1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the

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electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of ~~\$10~~ \$11. Of the ~~\$10~~ \$11 fee, \$5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be forwarded to the department for deposit deposited in the motor vehicle information technology system account provided for in 61-3-550, and the remaining \$1 must be deposited in the court information technology improvement program account provided for in [section 5 of House Bill No. 752].

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title." ""

**Insert:** "COORDINATION SECTION. Section 243. Coordination instruction. If both House Bill No. 275 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (2)(b)(iii) of 61-3-208 in House Bill No. 275 to references to motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile."

**Insert:** "COORDINATION SECTION. Section 244. Coordination instruction. If both Senate Bill No. 79 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (1) of 61-3-460 in Senate Bill No. 79 to references to motor vehicle."

**Insert:** "COORDINATION SECTION. Section 245. Coordination instruction. If both Senate Bill No. 68 and [this act] are passed and approved, then [section 4] of Senate Bill No. 68 must read as follows:

"NEW SECTION. Section 4. Property subject to registration fee. The following property that is subject to a registration fee is exempt from property taxation:

- (1) truck canopy covers or toppers and campers;
- (2) motor homes;
- (3) all watercraft;
- (4) all trailers, semitrailers, pole trailers, and travel trailers as those terms are defined in 61-1-101;
- (5) all vehicles registered under 61-3-456;
- (6) (a) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and  
(b) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (6)(a);
- (7) motorcycles and quadricycles; and
- (8) light vehicles as defined in 61-1-101."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

3/22/2005

**SB 459**, be concurred in. Report adopted.

**SJR 22**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**SB 278** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **SB 278**:

3/25/2005

Senator Wheat  
Senator Black  
Senator Hansen

**House joint resolution not** concurred in and returned to the House:

3/22/2005

**HJR 21**, introduced by Sinrud

**Senate bill** passed and transmitted to the House for concurrence:

3/22/2005

**SB 275**, introduced by Schmidt

**House amendments to Senate bill** concurred in:

3/22/2005

**SB 117**, introduced by Cocchiarella

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**House bills** concurred in and returned to the House:

3/22/2005

**HB 17**, introduced by Buzzas  
**HB 44**, introduced by Dickenson  
**HB 46**, introduced by Parker  
**HB 88**, introduced by Caferro  
**HB 100**, introduced by Maedje  
**HB 113**, introduced by Jent  
**HB 162**, introduced by Henry  
**HB 201**, introduced by Ripley  
**HB 225**, introduced by Maedje  
**HB 269**, introduced by Clark  
**HB 481**, introduced by Lindeen  
**HB 556**, introduced by Noonan  
**HB 653**, introduced by Becker  
**HB 660**, introduced by A. Olson  
**HB 709**, introduced by Raser

**House joint resolution** concurred in and returned to the House:

3/22/2005

**HJR 5**, introduced by Small-Eastman

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/22/2005

**HB 377**, introduced by Keane

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 799**, introduced by Wiseman, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 275**, introduced by Schmidt, Becker, Cobb, Cooney, Gebhardt, Roberts, referred to Human Services.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 522** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Bixby, D. Brown, Everett, Hawk, Jayne, Juneau, Koopman, Lange, Ripley, Sales, Sinrud, Wells.  
Total 12

Excused: Balyeat.  
Total 1

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Absent or not voting: None.  
Total 0

**HB 765** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Dowell, Driscoll, Everett, Facey, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Caferro, Clark, Cohenour, Dickenson, Eaton, Franklin, Gallik, Golie, Gutsche, Henry, Hiner, Jayne, Jent, Kaufmann, B. Olson, Windy Boy.  
Total 16

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**SB 42** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hamilton, Jopek, Koopman.  
Total 3

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**SB 105** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: D. Brown, Himmelberger, Jackson, W. Jones, Lake, Ross, Sinrud, Wagman, Waitschies, Ward, Warden.  
Total 11

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Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**SB 178** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Bixby, Caferro, Campbell, Clark, Eaton, Gallik, Grinde, Gutsche, Hamilton, Harris, Jayne, Jopek, Juneau, Kaufmann, Raser, Wilson, Windy Boy.  
Total 17

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**SB 326** concurred in as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lindeen, MacLaren, McAlpin, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Mr. Speaker.  
Total 59

Noes: Arntzen, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Everett, Gallik, Golie, Grinde, Hawk, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lambert, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Rice, Ripley, Ross, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Windy Boy, Wiseman, Witt.  
Total 40

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**SB 359** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Bixby, Branae, D. Brown, R. Brown, Butcher, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

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Noes: Becker, Bergren, Buzzas, Caferro, Callahan, Campbell, Clark, Hiner, Kaufmann, Lindeen, Parker, Small-Eastman, Villa, Wanzenried, Wells.  
Total 15

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 716** - Representative MacLaren moved **HB 716** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Galvin-Halcro, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 58

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 42

Voted Absentee: Balyeat, Aye; Furey, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 584** - Representative Harris moved **HB 584** do pass.

**HB 584** - Representative Bergren moved for cloture. Motion carried with a voice vote.

Representative Harris's motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Caferro, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lange, Malcolm, McKenney,



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McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Stahl, Stoker, Taylor, Waitschies, Ward, Wells, Witt.  
Total 39

Voted Absentee: Furey, Aye; Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Bixby, D. Brown, Dowell, Everett, Hawk, Juneau, Malcolm, Mendenhall, B. Olson, Sales, Small-Eastman, Taylor, Waitschies, Wells.  
Total 14

Excused: Balyeat, Furey.  
Total 2

Absent or not voting: Arntzen, Golie, Ward, Warden, Witt.  
Total 5

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 716 and HB 584 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 529 from the Human Services Committee to the Taxation Committee. Without objection, so ordered.

Rep. Wells moved HB 497 be withdrawn from the Business and Labor Committee, printed and placed on 2nd Reading.

Rep. Golie moved to table Rep. Wells' motion. Motion passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Noennig, Peterson, Rice, Ripley, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies.

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Total 29

Excused: Balyeat, Furey.

Total 2

Absent or not voting: None.

Total 0

Rep. House Leader Brown moved SB 102 be withdrawn from the Transportation Committee and be placed on 2nd Reading. Speaker Matthews stated this is a limited debate and requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Facey, Gallik, Glaser, Grinde, Gutsche, Harris, Hendrick, Henry, Himmelberger, Jacobson, L. Jones, W. Jones, Jopek, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Parker, Peterson, Roberts, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Warden, Wells, Windy Boy, Mr. Speaker.

Total 54

Noes: Arntzen, Barrett, Campbell, Clark, Eaton, Everett, Franklin, Galvin-Halcro, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hiner, Jackson, Jayne, Jent, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Malcolm, McKenney, Mendenhall, Milburn, Noonan, A. Olson, B. Olson, Raser, Rice, Ripley, Sales, Sesso, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Wiseman, Witt.

Total 43

Excused: Balyeat, Furey.

Total 2

Absent or not voting: Buzzas.

Total 1

Rep. Maedje moved to have the House reconsider its action on March 19, 2005, on HB 364 for purpose of placing the bill on 2nd Reading. Motion passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, Butcher, Caferro, Callahan, Cohenour, Dowell, Driscoll, Everett, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Klock, Koopman, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Peterson, Raser, Rice, Roberts, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wells, Mr. Speaker.

Total 50

Noes: Barrett, Bixby, R. Brown, Buzzas, Campbell, Clark, Dickenson, Eaton, Facey, Gutsche, Hamilton, Hawk, Himmelberger, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Ripley, Ross, Sales, Sesso, Sinrud, Stoker, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 48

Excused: Balyeat, Furey.

Total 2

Absent or not voting: None.

Total 0

Rep. Harris moved that the House reconsider its action on March 21, 2005, on SB 160 for purpose of placing the bill on 2nd Reading.

Rep. Sinrud made a substitute motion to table Rep. Harris' motion. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick,

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Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Excused: Balyeat, Furey.

Total 2

Absent or not voting: None.

Total 0

The motion of Rep. Harris to reconsider previous action passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 46

Excused: Balyeat, Furey.

Total 2

Absent or not voting: Himmelberger.

Total 1

SB 160 will be placed on 2nd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, March 23, 2005. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
March 23, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Branae. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative John Balyeat, excused. Quorum present.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:05 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

3/23/2005

Correctly printed: **HB 8, HB 299, HB 769, HJR 33.**

Correctly engrossed: **HB 4, HB 5, HB 6, HB 7, HB 9, HB 11, HB 12, HB 35, HB 249, HB 379, HB 484, HB 512, HB 531, HB 540, HB 552, HB 704, HB 748, HB 749.**

Correctly enrolled: **HB 17, HB 44, HB 46, HB 88, HB 100, HB 113, HB 162, HB 201, HB 225, HB 269, HB 281, HB 409, HB 478, HB 481, HB 556, HB 607, HB 653, HB 660, HB 702, HB 709, HJR 5.**

Delivered to the Secretary of State at 9:50 a.m., March 23, 2005: **HJR 10, HJR 18.**

Delivered to the Governor for approval at 8:25 a.m., March 23, 2005: **HB 203, HB 370, HB 463.**

Examined by the sponsor and found to be correct: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 162, HB 174, HB 191, HB 196, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 281, HB 283, HB 306, HB 318, HB 321, HB 371, HB 409, HB 427, HB 478, HB 452, HB 481, HB 556, HB 567, HB 607, HB 631, HB 638, HB 653, HB 660, HB 702, HB 709, HJR 5, HJR 16.**

**APPROPRIATIONS** (Buzzas, Chairman):

3/23/2005

**HB 35**, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** "PROVIDING" on line 8 through "FEES;" on line 9

2. Title, page 1, line 10.

**Strike:** "FOR A STATUTORY"

**Insert:** "AN"

3. Title, page 1, line 11.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

4. Title, page 1, line 11 through line 12.

**Strike:** "17-7-502" on line 11 through "61-3-321," on line 12

5. Page 5, line 19 through page 13, line 18.

**Strike:** section 2 through section 7 in their entirety

**Renumber:** subsequent sections

6. Page 14, line 6.

**Insert:** "NEW SECTION. Section 3. Appropriation. (1) There is appropriated for the fiscal year beginning July 1, 2006, \$3,480,008 from the general fund to the department of justice to fund an increase in the base salary for the number of highway patrol officer positions existing on June 30, 2006; to fund the base salary and associated operating costs for new highway patrol officer positions created after June 30, 2006; and to fund biennial salary increases after June 30, 2006, for highway patrol officers.

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(2) There is appropriated from the highways state special revenue account to the department of justice \$283,325 for the fiscal year beginning July 1, 2005, and \$566,650 for the fiscal year beginning July 1, 2006, to fund base salaries and associated personal services costs of the highway patrol division of the department of justice."

**Renumber:** subsequent sections

7. Page 14, line 7 through line 10.

**Strike:** "(1)" on line 7 through "(2)" on line 10

**Strike:** "8" on line 10

**Insert:** "2"

8. Page 14, line 11.

**Strike:** "8"

**Insert:** "2"

9. Page 14.

**Following:** line 11

"COORDINATION SECTION. Section 5. Coordination instruction. If [this act] and House Bill No. 447 are both passed and approved, then 2-18-303 must be amended as follows:

"2-18-303. Procedures for using pay schedules. (1) The pay schedule provided in 2-18-312 must be implemented as follows:

(a) The pay schedule provided in 2-18-312 indicates the entry salary and market salary for each grade for positions classified under the provisions of part 2 of this chapter.

(b) Each employee newly hired by the state of Montana must be hired at the entry rate, except as provided in subsections ~~(6) through (9)~~ (5) through (9).

(c) On the first day of the first complete pay period in fiscal year ~~2004~~ 2006, each employee is entitled to the amount of the employee's base salary as it was on June 30, ~~2003~~ 2005.

(d) Effective on the first day of the first complete pay period that includes ~~January 1, 2005~~ an employee's anniversary date during the fiscal year ending June 30, 2006, the base salary of each employee must be increased by ~~an amount equal to 25 cents an hour or by a lesser amount so that the employee's base salary after the increase does not exceed the maximum salary of the pay grade as provided in subsection (1)(f)~~ 3.5% or \$1,005, based upon 2,080 annual hours in a pay status, whichever is greater. Effective on the first day of the first complete pay period that includes an employee's anniversary date during the fiscal year ending June 30, 2007, the base salary of each employee must be increased by 4% or \$1,188, based upon 2,080 annual hours in a pay status, whichever is greater. For employees hired on or before September 30, 2005, the anniversary date is October 1.

(e) An employee's base salary may be no less than the entry salary for the employee's assigned grade.

(f) The maximum salary for each grade is determined by subtracting the entry salary from the market salary and adding that amount to the market salary.

(2) The pay schedule provided in 2-18-312 and the provisions of ~~subsection~~ subsections (1)(a) through (1)(d) of this section do not apply to those teachers or blue-collar occupations compensated under the pay schedules provided in 2-18-313 and 2-18-315 employees who are members of collective bargaining units that have collectively bargained to participate in a separate or alternative classification and pay plan or who are covered under subsections (5) and (6) of this section.

~~(3) The pay schedules provided in 2-18-313 and 2-18-315 must be implemented as follows:~~

~~—— (a) (i) The pay schedules provided for in 2-18-313 indicate the annual compensation for teachers employed under the authority of the department of corrections or the department of public health and human services for fiscal years 2004 and 2005.~~

~~—— (ii) The compensation of each teacher on July 1, 2003, is the same as it was on June 30, 2003.~~

~~—— (iii) Effective on the first day of the first complete pay period that includes January 1, 2005, the base salary of each teacher employed in the department of public health and human services and the department of corrections is the amount provided for the teacher's step and education level under 2-18-313(2). This subsection (3)(a)(iii) does not provide for a step advancement.~~

~~—— (b) The pay schedules provided in 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 2004, and June 30, 2005, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.~~

~~—— (c) The compensation of each employee on the first day of the first pay period in each fiscal year is that amount corresponding to the grade occupied on the last day of the preceding fiscal year.~~

~~(4)(3)~~ (a) (i) If the legislature authorizes a pay increase for state employees, a member of a bargaining unit

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may not receive a pay increase until the employer's collective bargaining representative receives written notice that the employee's bargaining unit has ratified a completely integrated collective bargaining agreement.

~~(ii) If ratification of a completely integrated collective bargaining agreement, as required by subsection (4)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, retroactivity to that date may be negotiated.~~

~~(iii)(ii)~~ (ii) If ratification of a completely integrated collective bargaining agreement, as required by subsection ~~(4)(a)(i)~~ (3)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving until an agreement is ratified.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules and adjustments provided in 2-18-312, ~~2-18-313~~, ~~2-18-315~~, and this section may be provided for in collective bargaining agreements.

~~(5)(4)~~ (4) The current wage or salary of an employee may not be reduced by the implementation of the pay schedules provided for in 2-18-312, ~~2-18-313~~, and ~~2-18-315~~.

~~(6)(5)~~ (5) The department may authorize a separate pay schedule for classes of medical professionals if the rates provided in 2-18-312 are not sufficient to attract and retain fully licensed and qualified professionals.

~~(7)(6)~~ (6) (a) The department may develop and implement an alternative pay and classification plan for certain classes, occupations, and work units. Pay for employees in the alternative pay and classification plan may be established and changed based on demonstrated competencies and accomplishments, on the labor market, and on other situations defined by the department.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

~~(8)(7)~~ (7) The department may develop programs that enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. To the extent that the program applies to employees within a collective bargaining unit, it is a negotiable subject under 39-31-305.

~~(9)(8)~~ (8) The department shall review the competitiveness of the compensation provided to all occupations under this part. If the department finds that substantial problems exist with recruitment and retention because of inadequate salaries when compared to competing employers, the department may establish criteria allowing an adjustment in pay or classification to mitigate the problems. To the extent that these adjustments apply to employees within a collective bargaining unit, the implementation of these adjustments is a negotiable subject under 39-31-305.

(9) (a) Montana highway patrol officer base salaries and biennial salary increases must be established through an alternative pay and classification plan. Before January 1 of each odd-numbered year, the department shall, after seeking the advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base salary and any biennial salary increase for existing and entry-level highway patrol officer positions. The county sheriff departments in the following consolidated governments and counties are the labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead, and Dawson. The base salary and biennial salary increases for existing and entry-level highway patrol officer positions must then be determined by the department of justice, using the results of the salary survey and the department of justice pay plan guidelines. Base or biennial salary increases under this subsection are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(c) The salary survey must be submitted to the office of budget and program planning as a part of the information required by 17-7-111.

(d) (i) Except as provided in subsection (9)(d)(ii), the survey and plan must be completed at least 6 months before the start of each regular legislative session.

(ii) The first survey must be completed by January 1, 2006, for the plan to be implemented for the first full pay period in fiscal year 2007."

**Insert: "COORDINATION SECTION. Section 6. Coordination instruction.** If [this act] and House Bill No. 447 are both passed and approved, then [section 6] of House Bill No. 447 must be amended as follows:

**"Section 6. Appropriation.** (1) The following money for the indicated fiscal years is appropriated to the listed agencies, from the designated state fund, to implement the adjustments provided for in 2-18-303:

	General Fund	State Special	Federal Special	Proprietary
Legislative Branch				
Consumer Council	\$209,282	\$18,179	\$0	\$0

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0	11,734	0	0		
Judicial Branch					
599,262		23,565	2,033	0	
Executive Branch					
5,613,599		5,553,930		3,644,273	138,263
University System					
3,820,187		0	125,024	0	
Total	\$10,242,330	\$5,607,408		\$3,771,330	\$138,263
Fiscal Year 2007					
General Fund		State Special		Federal Special	Proprietary
Legislative Branch					
\$538,330		\$46,934		\$0	\$0
Consumer Council					
0	30,024	0	0		
Judicial Branch					
1,547,500		59,996	5,282	0	
Executive Branch					
14,700,424		<del>14,466,134</del>	<u>14,166,823</u>	9,491,019	361,653
University System					
9,007,001		0	293,720	0	
Total	\$25,793,255	<del>\$14,603,088</del>	<u>\$14,303,777</u>	\$9,790,021	\$361,653

(2) The following money is appropriated for the biennium to the office of budget and program planning, from the designated state fund, to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

Fiscal Year 2006				
General Fund	State Special	Federal Special	Proprietary	
Personal Services Contingency				
\$1,500,000	\$2,400,000	\$500,000	\$100,000	

(3) The following money is appropriated for the biennium to the department of administration for a labor-management training initiative:

Fiscal Year 2006		
General Fund	Other Funds	
Labor-Management Training Initiative		\$ 75,000"

**Renumber:** subsequent section

10. Page 14, line 14.

**Strike:** "JANUARY 1, 2006"

**Insert:** "on passage and approval"

11. Page 14, line 16.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) [Section 2] is effective January 1, 2006."

And, as amended, do pass. Report adopted.

**HB 89**, introduced bill, do pass. Report adopted.

**HB 249**, introduced bill, be amended as follows:

1. Title, page 1, line 18.

**Following:** "CORPORATIONS"

**Insert:** "AND CERTAIN OTHER ECONOMIC DEVELOPMENT ORGANIZATIONS"

2. Page 8, line 1.

**Following:** "corporations"

**Insert:** "and economic development organizations that are located in a county that is not part of a certified regional development corporation"

And, as amended, do pass. Report adopted.

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**HB 264**, do pass. Report adopted.  
**HB 288**, do pass. Report adopted.  
**HB 326**, do pass. Report adopted.  
**HB 379**, introduced bill, be amended as follows:

1. Title, line 9 through line 12.

**Strike:** "ALLOCATING" on line 9 through "TAXES" on line 12

**Insert:** "DIRECTING THE TRANSFER OF FUNDS FROM THE ORPHAN SHARE ACCOUNT"

2. Title, line 12 through line 13.

**Strike:** "SECTIONS" on line 12 through "AND" on line 13

**Insert:** "SECTION"

3. Page 1, line 22 through line 25.

**Strike:** "ALLOCATED" on line 22 through "15-36-331" on line 25

**Insert:** "transferred from the orphan share account pursuant to 75-10-743"

4. Page 1, line 26.

**Strike:** "(C)"

**Insert:** "(b)"

5. Page 2, line 28 through page 7, line 4.

**Strike:** section 2 through section 3 in their entirety

**Renumber:** subsequent sections

6. Page 7, line 10.

**Following:** "and"

**Insert:** ", except as provided in subsections (10) and (11),"

7. Page 7, line 11.

**Following:** "and"

**Strike:** ", except as provided in subsection (10),"

8. Page 7.

**Following:** line 18

**Insert:** "(c) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;

(d) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;"

**Renumber:** subsequent subsections

9. Page 9.

**Following:** line 3

**Insert:** "(11)(a) Beginning in the fiscal year that commences July 1, 2005, the department shall transfer from the orphan share account to the long-term or perpetual water treatment permanent trust fund provided for in [section 1] \$1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (11)(b) of this section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in [section 1] to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of \$19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination, pursuant to subsection (11)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination, pursuant to subsection (11)(b)(i), in order to provide a fund balance of \$19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years."



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And, as amended, do pass. Report adopted.

**HB 484**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "FACILITIES;"

**Insert:** "PROVIDING A RESTRICTED APPROPRIATION;"

2. Page 6, line 30.

**Insert:** "NEW SECTION. Section 6. Restricted appropriation. There is appropriated \$46,289 in fiscal year 2006 and \$42,605 in fiscal year 2007 from the general fund to the department of livestock in order to implement the provisions of the mobile slaughter facility licensing program created in [this act]. This appropriation is a restricted appropriation, as that term is described in [section 4] of House Bill No. 2."

And, as amended, do pass. Report adopted.

**HB 512**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "60-11-111"

**Insert:** "AND 60-11-120"

2. Page 1, line 12.

**Following:** "transportation"

**Insert:** "for the biennium beginning July 1, 2005,"

**Following:** "60-11-120"

**Insert:** "(2)(a)"

3. Page 2, line 12.

**Insert:** "**Section 3.** Section 60-11-120, MCA, is amended to read:

**"60-11-120. Railroad and intermodal transportation facility loans and grants -- authorization -- eligibility.** (1) Money appropriated by the legislature may be used by the department ~~of transportation~~, after deducting the necessary costs and expenses for administering this section, to provide loans and grants for the preservation and continued operation of railroad branch lines identified in 60-11-111 and for the development and improvement of intermodal transportation facilities except as prohibited by federal law. Proceeds of all repayments of loans, including interest, made under this section must be deposited in the state general fund except as required by federal law.

(2) An owner or operator of a railroad identified in 60-11-111(2) is eligible for a loan or grant under this section if the owner or operator:

(a) undertakes to repair, improve, or replace rail facilities to allow the continued operation of the railroad for local rail transportation service; and

(b) derives revenue from the continued operation of the railroad.

(3) A port authority created under Title 7, chapter 14, part 11, is eligible for a loan or grant under this section for the development or improvement of an intermodal transportation facility under this section if:

(a) the port authority is included in the state transportation planning process as described in 23 U.S.C. 135; and

(b) the intermodal transportation facility for which a loan or grant is sought is integrally related to the railroad transportation system of the state."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 531**, introduced bill, be amended as follows:

1. Page 2, line 2.

**Following:** "development"

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**Insert:** "for the biennium beginning July 1, 2005"

**Strike:** "\$1.5 million"

**Insert:** "\$750,000"

And, as amended, do pass. Report adopted.

**HB 552**, introduced bill, be amended as follows:

1. Page 2, line 16.

**Following:** "GROUPS"

**Insert:** ", as provided in 42 U.S.C. 1396a(l)(1)(B) through (l)(1)(D)"

2. Page 5, line 18.

**Strike:** "\$2.1 MILLION"

**Insert:** "\$1,876,316"

And, as amended, do pass. Report adopted.

**HB 704**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 14

**"NEW SECTION. Section 2. No appropriation.** It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 742**, do pass. Report adopted.

**HB 749**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "2007"

**Insert:** "2006"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman):

3/23/2005

**SJR 4**, be concurred in. Report adopted.

**SJR 17**, be concurred in. Report adopted.

**SJR 7**, be amended as follows:

1. Title, line 5.

**Following:** "FLATHEAD"

**Insert:** "LAKE AND"

2. Title, line 6.

**Following:** "URGING"

**Insert:** "THAT"

**Strike:** "TO"

3. Title, line 7.

**Strike:** "A"

**Insert:** "THE INTERNATIONAL JOINT COMMISSION CONDUCT AND"

**Following:** "COMPLETE"

**Insert:** "AN"

4. Title, line 8.

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**Strike:** "BE" through "COMMISSION"

5. Title, line 9.

**Following:** "METHANE"

**Insert:** "AND OTHER HYDROCARBON"

**Strike:** "BRITISH COLUMBIA"

**Insert:** "THE VALLEY OF THE FLATHEAD RIVER AND CRITICAL ADJACENT ENVIRONS"

6. Page 1, line 12.

**Following:** "mountains,"

**Insert:** "the clarity of our skies,"

7. Page 1, line 16.

**Following:** "Montana"

**Insert:** ", the nation,"

**Strike:** the second "and" through "creation"

8. Page 1, line 17.

**Strike:** "transboundary"

**Strike:** "region" through "internationally"

**Insert:** "is"

**Following:** "recognized"

**Insert:** "nationally and internationally"

**Following:** "unique"

**Insert:** "and invaluable"

9. Page 1, line 18.

**Following:** "Park"

**Insert:** "; the Great Bear, Bob Marshall, and Mission Mountains Wilderness; the Wild and Scenic Flathead River system;"

10. Page 1, line 20 through line 21.

**Strike:** "WHEREAS," on line 20 through the second "and" on line 21

11. Page 1, line 22.

**Following:** "depends"

**Insert:** "in significant measure "

**Strike:** "maintaining our"

**Insert:** "preserving"

12. Page 1, line 23.

**Following:** "wildlife,"

**Insert:** "clean and clear air,"

13. Page 1, line 24 through line 25.

**Strike:** "WHEREAS," on line 24 through the second "and" on line 25

14. Page 1, line 28.

**Strike:** "energy" through "development"

**Insert:** "mining and extraction of hydrocarbons, including coal, coal bed methane, oil, and natural gas"

15. Page 1, line 29.

**Following:** "no"

**Insert:** "unacceptable"

16. Page 2, line 1.

**Strike:** "to prevent the degradation of"

**Insert:** "not to degrade the"

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17. Page 2, line 6 through line 8.

**Strike:** "coal" on line 6 through "border" on line 8

**Insert:** "new proposals for coal and coal bed methane development in the Flathead valley and critical adjacent environs in British Columbia are imminent possibilities"

18. Page 2.

**Following:** line 8

**Insert:** "WHEREAS, there has not been a complete environmental assessment of the impacts of new coal field development on the valley of the north fork of the Flathead River and critical adjacent environs; and "

19. Page 2, line 9.

**Following:** "requested"

**Insert:** "that"

20. Page 2, line 10.

**Following:** "assessment"

**Insert:** "be completed"

**Strike:** "drilling"

**Insert:** "development"

21. Page 2, line 11.

**Strike:** "Montana rivers"

**Insert:** "the Flathead River"

22. Page 2, line 13 through line 14.

**Strike:** "transboundary" on line 13

**Insert:** "and resolving"

**Strike:** "Flathead" on line 13 through "watersheds" on line 14

**Insert:** "transboundary areas addressed in this resolution"

23. Page 2, line 19.

**Strike:** "implementing"

**Insert:** "that implements in a meaningful and measurable manner"

24. Page 2, line 20 through line 21.

**Strike:** "that" on line 20 through "Montana" on line 22

**Insert:** "that the legislature of the State of Montana urges that the International Joint Commission conduct a comprehensive environmental assessment of the impacts of developing hydrocarbon resources on the transboundary resources and waters of the valley of the north fork of the Flathead River and critical adjacent environs prior to a final decision on whether or not to approve hydrocarbon development and in particular coal mines and coal bed methane in these transboundary areas"

And, as amended, be concurred in. Report adopted.

**SJR 19**, be concurred in. Report adopted.

**SJR 23**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

3/23/2005

**SB 77**, be concurred in. Report adopted.

**SB 126**, be concurred in. Report adopted.

**SB 298**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman):

3/23/2005

**SB 2**, be amended as follows:

1. Page 1, line 20.

**Following:** "government."

**Insert:** "For purposes of this section, the use of the word "God" is not intended to further the establishment of any

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specific religion or set of religious beliefs or to dissuade the free exercise of any religion or set of religious beliefs."

And, as amended, be concurred in. Report adopted.

**SB 423**, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "CERTAIN CONDITIONS"

**Insert:** "A CONDITION"

2. Page 4, line 3.

**Following:** "greater"

**Insert:** "if the person's blood alcohol concentration at the time of the arrest was 0.16 or greater"

And, as amended, be concurred in. Report adopted.

**SB 426**, be concurred in. Report adopted.

**SB 435**, be amended as follows:

1. Page 3, line 24.

**Strike:** "nonresident"

**Insert:** "nondomiciliary"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/23/2005

**HB 569**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "SUCH AS"

**Insert:** "INCLUDING FLOW LINES AND"

**Following:** "LINES"

**Insert:** "IF OWNED BY A PRODUCER"

2. Page 1, line 17.

**Following:** "including"

**Insert:** "flow lines and"

**Following:** "lines"

**Insert:** "if owned by a producer"

3. Page 2, line 12.

**Strike:** "Gathering"

**Insert:** "Flow lines and gathering"

4. Page 2, line 13.

**Strike:** "field"

**Insert:** "well"

5. Page 4, line 17.

**Strike:** "gathering" through "section"

**Insert:** "production facilities, including the producer's flow lines, gathering lines, compressors, and meters, are not centrally assessed even if they are located in more than one county or state. For the purposes of this subsection, the producer is the legal entity or entities liable for the oil and gas production taxes under Title 15, chapter 36"

And, as amended, do pass. Report adopted.

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**HB 689**, introduced bill, be amended as follows:

1. Page 2, line 2.

**Following:** "recapture"

**Insert:** "by the local governing body"

2. Page 2, line 7.

**Following:** "conversion."

**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

3. Page 3, line 22.

**Following:** "recapture"

**Insert:** "by the local governing body"

4. Page 3, line 26.

**Following:** "conversion."

**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

5. Page 4, line 28.

**Following:** "recapture"

**Insert:** "by the local governing body"

6. Page 5, line 2.

**Following:** "conversion."

**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

7. Page 5, line 29.

**Following:** "recapture"

**Insert:** "by the local governing body"

8. Page 6, line 4.

**Following:** "conversion."

**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

9. Page 7, line 7.

**Following:** "recapture"

**Insert:** "by the local governing body"

10. Page 7, line 12.

**Following:** "conversion."

**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

11. Page 8, line 14.

**Following:** "recapture"

**Insert:** "by the local governing body"

12. Page 8, line 18.

**Following:** "conversion."

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**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

13. Page 8, line 26.

**Following:** "recapture"

**Insert:** "by the local governing body"

14. Page 8, line 30.

**Following:** "conversion."

**Insert:** "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

And, as amended, do pass. Report adopted.

**HB 720**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "THAT A"

**Insert:** "COMPLETE"

2. Title, page 1, line 6 through line 7.

**Strike:** "AN IMMEDIATE" on line 6 through "EFFECTIVE DATE" on line 7

**Insert:** "EXCEPTIONS"

3. Page 1, line 19.

**Following:** "submitting"

**Strike:** "an"

**Insert:** "a complete"

4. Page 2, line 5.

**Following:** "has"

**Insert:** "review or"

5. Page 2, line 19 through line 22.

**Strike:** "If" on line 19 through "information." on line 22

**Insert:** "The local government shall establish, by ordinance or resolution, a completeness review process, including time periods within which to determine whether the application contains all of the information required by the local government's ordinances, resolutions, or other regulations, and shall notify the applicant of the local government's determination as to whether or not the application is complete."

6. Page 2, line 23.

**Strike:** "the 30-day"

**Insert:** "any applicable"

7. Page 2, line 24.

**Following:** "submission."

**Insert:** "A determination that a site-specific development plan is complete under this section does not limit the ability of the local government to request additional information during the review process."

8. Page 2, line 25.

**Strike:** "The"

**Insert:** "Except as provided under 76-2-206 or 76-2-306 and unless otherwise agreed to in writing by the applicant, the"

9. Page 2, line 26.

**Strike:** "growth policy,"

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**Following:** "ordinances"

**Strike:** ", "

**Following:** "that the"

**Insert:** "complete"

10. Page 2, line 27.

**Strike:** "first"

**Following:** "government"

**Insert:** "entity that has jurisdiction over the application"

11. Page 3, line 2.

**Strike:** section 5 in its entirety

And, as amended, do pass. Report adopted.

**HB 771**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "APPROPRIATING"

**Insert:** "ALLOCATING"

2. Title, line 8.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 1, line 12.

**Strike:** "If the"

**Insert:** "Upon the transfer of a motor home, if the new"

4. Page 1, line 13.

**Following:** "entity, the"

**Insert:** "new"

5. Page 3, line 18.

**Strike:** "appropriation"

**Insert:** "dedication"

6. Page 3, line 19.

**Strike:** "(1)"

7. Page 3, lines 22 through 27.

**Strike:** subsection (2) in its entirety

8. Page 4, line 9.

**Insert:** "NEW SECTION. **Section 8. Applicability.** [This act] applies to transfers occurring on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

3/23/2005

**SB 509**, introduced by Harrington

**House bills** concurred in and returned to the House:

3/23/2005



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**HB 281**, introduced by Wagman  
**HB 409**, introduced by Golie  
**HB 478**, introduced by Warden  
**HB 607**, introduced by A. Olson  
**HB 702**, introduced by Malcolm

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/2005

**HB 351**, introduced by Butcher  
**HB 396**, introduced by Becker

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/2005

**HJR 1**, introduced by Franklin

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 800**, introduced by Lange, referred to Federal Relations, Energy, and Telecommunications.  
**HB 801**, introduced by A. Olson, Stapleton, referred to State Administration.  
**HB 802**, introduced by A. Olson, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 38**, introduced by Butcher, McAlpin, Klock, Jackson, Galvin-Halcro, L. Jones, Heinert, Ross, Black, Bixby, Milburn, Callahan, Matthews, Campbell, Golie, Jacobson, Witt, Lambert, Musgrove, Lindeen, Bergren, Steinbeisser, Everett, Rice, Andersen, Barrett, Stoker, Taylor, Noonan, Ripley, Groesbeck, Milburn, Stahl, referred to Agriculture.

The following Senate bill was introduced, read first time, and referred to committee:

**SB 509**, introduced by Harrington, Cohenour, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 274** - Representative Milburn moved **SB 274** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Campbell, Cohenour, Everett, Facey, Furey, Glaser, Harris, Heinert, Hendrick, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 55

Noes: Becker, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Koopman, Lindeen, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 45

Voted Absentee: Balyeat, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 745** - Representative Matthews moved **HB 745** do pass.

**HB 745** - Representative Sinrud moved **HB 745**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 745** - Representative Sinrud moved **HB 745**, second reading copy, be amended as follows:

1. Page 1, line 18.  
**Strike:** "\$2,162,942"  
**Insert:** "\$1,669,184"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

Voted Absentee: Balyeat, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 745** - Representative Sinrud moved **HB 745**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 745** - Representative Matthews moved **HB 745**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 752** - Representative Callahan moved **HB 752** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton,

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Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 43

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 643** - Representative Dowell moved **HB 643** do pass.

**HB 643** - Representative McKenney moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 45

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 55

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 643** - Representative Koopman moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 44

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen,

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McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 55

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

**HB 643** - Representative Maedje moved **HB 643**, second reading copy, be amended as follows:

1. Page 10.

**Following:** line 10

**Insert:** "NEW SECTION. Section 15. Contingent termination. [This act] terminates on July 1, 2007, unless the sale and use of tobacco products is prohibited by state law."

Chair ruled the amendment was not in order according to Mason Rules 402.  
Rep. Maedje responded that the Code Commissioner had said it was.

Rep. Floor Leader Brown objected to the ruling of the Chair.

Chairman Jent stated that House Rules 20-90(2), question on the ruling of the Chair, is a non-debatable motion of present and voting.

Motion to sustain the ruling of the Chair passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 52

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 47

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Maedje moved to segregate his amendment to only paragraph #5.

Chair ruled the segregation is out of order.

Rep. Maedje moved for a call of the House.

Rep. Lindeen asked for an explanation. The Chair stated the House will stand at ease.

Rep. Maedje withdrew his motion for a call of the House.

Speaker Matthews moved HB 643 be moved down on the board. Motion carried.

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Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lange, Lindeen, Maedje, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Windham, Wiseman, Mr. Speaker.  
Total 64

Noes: Barrett, Dowell, Everett, Hawk, Heinert, Hendrick, Keane, Koopman, Lambert, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Raser, Rice, Sales, Sinrud, Taylor, Wagman, Waitschies, Wells, Wilson, Windy Boy, Witt.  
Total 29

Excused: Balyeat.  
Total 1

Absent or not voting: Butcher, Clark, Jent, Lenhart, Sesso, Stahl.  
Total 6

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):

3/23/2005

**HB 99**, do pass. Report adopted.

**HB 140**, introduced bill, be amended as follows:

1. Page 4, line 13 through line 14.

**Strike:** "FIDUCIARY" through "PLAN" on line 14

**Insert:** "duty to advocate the interests of the consumer who is a party to the debt management plan and not promote the interests of any third party that is in conflict with the primary obligation of advocating the interests of the consumer"

And, as amended, do pass. Report adopted.

**HB 395**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "RESIDENCE" on line 7

**Strike:** "OR THE STATE"

2. Title, line 8 through line 10.

**Following:** "COSTS;"

**Strike:** remainder of line 8 through "53-21-128, AND" on line 10

**Insert:** "AMENDING SECTION"

3. Page 1, line 14 through page 4, line 12.

**Strike:** section 1 through section 4 in their entirety

**Renumber:** subsequent sections

4. Page 4, line 16.

**Following:** "and"

**Insert:** "psychiatric precommitment examination, detention, treatment, and"

5. Page 4, line 20.

**Strike:** "Subject to subsection (2)(b), the costs of"

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**Insert:** "The county of residence shall also pay all"

6. Page 4, line 22.

**Following:** line 21

**Insert:** "psychiatric"

**Following:** "precommitment"

**Insert:** "psychiatric"

**Following:** "~~custody~~"

**Insert:** "psychiatric"

7. Page 4, line 25.

**Following:** "the"

**Insert:** "respondent, the parent or guardian of a respondent who is a minor, or the"

8. Page 4, line 26.

**Following:** "respondent:"

**Insert:** "or"

9. Page 4, line 27 and line 28.

**Following:** "residence of the respondent"

**Strike:** remainder of line 27 through "committed" on line 28

**Insert:** "in an amount not to exceed the amount paid for the service by a public assistance program"

10. Page 5, line 12.

**Insert:** "NEW SECTION. Section 2. Cost study. The department of public health and human services shall work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments and present that information and any findings and recommendations to the 2007 legislature through an appropriate interim committee."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 435**, do pass. Report adopted.

**HB 438**, introduced bill, do pass. Report adopted.

**HB 440**, introduced bill, be amended as follows:

1. Page 2, line 6.

**Following:** "PURPOSE"

**Insert:** "-- account"

2. Page 2, line 16.

**Insert:** "(4) There is an account in the state special revenue fund to the credit of the department for the purposes of this section. The department may accept donations from any private source and place the donations in the account. Money in the account must be expended by the department for implementing the anhydrous ammonia tank lock program."

And, as amended, do pass. Report adopted.

**HB 687**, introduced bill, be amended as follows:

1. Page 3, line 27.

**Following:** "violation of"

**Insert:** "the tax and directory requirements of"

2. Page 3, line 30.

**Following:** "violations of"

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**Insert:** "the tax and directory requirements of"

3. Page 4, line 3.

**Following:** "with"

**Insert:** "the tax"

4. Page 4, line 6.

**Following:** "with"

**Insert:** "the tax"

5. Page 4, line 11.

**Following:** "Montana"

**Insert:** "to a person other than a licensed wholesaler or retailer"

6. Page 8, line 2.

**Following:** line 1

**Insert:** "(j) "Manufacturer's original container" means the original master shipping case or original shipping case used by the tobacco product manufacturer to ship multipack units, such as boxes, cartons, and sleeves, to warehouse distribution points."

**Renumber:** subsequent subsections

7. Page 9, line 7.

**Strike:** "and"

**Insert:** "wholesalers, or"

8. Page 9, line 9.

**Strike:** "and"

**Insert:** "wholesalers, or"

9. Page 10, line 10.

**Strike:** "Every"

**Insert:** "Except as provided in subsection (3), every"

10. Page 10, line 11.

**Following:** "other state"

**Insert:** "or country"

11. Page 10, line 23.

**Insert:** "(3) A common carrier hauling, transporting, or shipping tobacco products to a licensed wholesaler or retailer in Montana shall submit the reports described in subsection (1) to the department upon request of the department."

12. Page 14, line 28.

**Strike:** "and"

**Insert:** "or"

13. Page 14, line 29.

**Strike:** "and"

**Insert:** "or"

14. Page 14, line 30.

**Strike:** "and"

**Insert:** "or"

15. Page 15, line 2.

**Following:** "cigarettes"

**Strike:** "and"

**Insert:** "or"



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16. Page 16, line 25.

**Strike:** "200"

**Insert:** "600"

17. Page 16, line 26.

**Strike:** "10"

**Insert:** "30"

18. Page 19, line 1.

**Following:** "contraband"

**Insert:** ", with a value of \$1,000 or more,"

19. Page 19, line 24.

**Following:** "both."

**Insert:** "For a first offense, if a violation of this part involves contraband, the value of which does not exceed \$1,000, the offense is punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not less than 30 days or more than 6 months, or both."

20. Page 20, line 3.

**Following:** "(3)"

**Insert:** "(a)"

**Strike:** "In"

**Insert:** "Except as provided in subsection (3)(b), in"

21. Page 20, line 9.

**Following:** line 8

**Insert:** "(b) A civil penalty may not be assessed to a person for a first violation of subsection (1) if the offense involves contraband with a value of \$1,000 or less."

22. Page 23, line 26.

**Insert:** "NEW SECTION. Section 34. Enforcement. The attorney general, a designee of the attorney general, or any person who holds a permit under 26 U.S.C. 5713 may bring an action in the appropriate Montana district court to prevent or restrain violations of [section 5] by any person or by a principal of the person."

**Renumber:** subsequent sections

23. Page 23, line 30.

**Following:** "6"

**Insert:** "and 34"

24. Page 24, line 2.

**Following:** "6"

**Insert:** "and 34"

And, as amended, do pass. Report adopted.

**HB 695**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Strike:** "\$200,000"

**Insert:** "\$75,000"

2. Page 1, line 11.

**Strike:** "\$200,000"

**Insert:** "\$75,000"

And, as amended, do pass. Report adopted.

**HB 796**, do pass. Report adopted.

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**MOTIONS**

Rep. Lange moved HB 235 be withdrawn from the Fish, Wildlife and Parks Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Jopek moved HJR 23 be withdrawn from the Business and Labor Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Sinrud moved HB 134 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Driscoll, Eaton, Everett, Facey, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 54

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Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 45

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved to re-refer from the Business and Labor Committee: HB 802 to the Taxation Committee, HB 797 to the Taxation Committee, and HJR 37 to the Human Services Committee.

Rep. McKenney objected but later withdrew his objection.

Speaker Matthews stated that without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 274 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that the House accede to the request of the Senate and appoint a Conference Committee to meet with a like committee from the Senate to confer on House amendments to SB 278 introduced by Senator Black. The following members have been appointed: Rep. Keane, Rep. Gallik, Rep. McKenney, and Rep. Heinert. Without objection, so ordered.

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House stand in recess until 6:00 p.m. Motion carried.

House adjourned at 3:10 p.m.

House reconvened at 6:00 p.m.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 6:20 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Jent in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 643** - Representative Dowell moved **HB 643** do pass.

**HB 643** - Representative McKenney moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.  
Total 46

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Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 54

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 643** - Representative Koopman moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.

Total 45

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 55

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 643** - Representative Maedje moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Klock, Lambert, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Morgan, Ripley, Stahl, Taylor, Wagman, Wells, Witt, Mr. Speaker.

Total 26

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.

Total 74

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Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 643** - Representative Maedje moved **HB 643**, second reading copy, be amended.

Chairman Jent ruled the amendment was out of order. Rep. Leader Brown objected stating the Chair wasn't asked for a ruling. Chairman Jent stated the House will stand at ease.

Rep. Facey rose on a point of order, he believed the amendment is not about medical marijuana. Chair sustained.  
Rep. Lange asked the House to stand at ease.  
The House reconvened. Chairman Jent stated Rep. Maedje could move his amendment.

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Butcher, Everett, Glaser, Heinert, Klock, Koopman, Lambert, Maedje, McGillvray, Rice, Ripley, Stahl, Taylor, Wells.  
Total 17

Noes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 643** - Representative Jayne moved **HB 643**, second reading copy, be amended as follows:

1. Page 9, line 7.

**Following:** "MISDEMEANOR"

**Insert:** "after a third violation within a 3-year period"

2. Page 9, line 8.

**Following:** "BE"

**Insert:** "warned, reprimanded, or"

3. Page 9, line 16.

**Following:** "16-4-401"

**Insert:** "or by the department of justice for the purposes of 23-5-119, 23-5-177, or 23-5-611(1)(a) or (1)(c)"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent,

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L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Himmelberger, Klock, Koopman, Lake, Lambert, Maedje, McKenney, McNutt, Milburn, A. Olson, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies.  
Total 24

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: R. Brown, Peterson.  
Total 2

**HB 643** - Representative Dowell moved **HB 643**, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wells, Witt, Mr. Speaker.  
Total 40

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker and Rep. Floor Leader Lange rose to ask the members to remember to be respectful and show courtesy to each other with the long agenda for the evening.

**HB 277** - Speaker Matthews moved consideration of **HB 277** be passed for the day. Motion carried.

**HB 148** - Representative Lambert moved **HB 148** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Koopman, Lake, Malcolm, McKenney, Mendenhall, Rice, Sales, Sinrud, Stahl, Stoker, Taylor, Wells.

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Total 19

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 4** - Representative Musgrove moved **HB 4** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Wells.

Total 35

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Chairman Jent stated the House will stand at ease for 5 minutes.

House resumed. Rep. Bergren in the Chair.

**HB 5** - Representative Wells moved **HB 5** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Arntzen, Balyeat, D. Brown, Everett, Glaser, Hawk, Heinert, Jackson, Koopman, Lake, Lambert, McGillvray, Morgan, Roberts, Sales, Sinrud, Stahl, Stoker, Taylor.

Total 19

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

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**HB 6** - Representative Witt moved **HB 6** do pass.

**HB 6** - Representative Witt moved **HB 6**, second reading copy, be amended as follows:

1. Page 8, line 29.

**Following:** "[Section]"

**Strike:** "6(4)"

**Insert:** "7(4)"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Morgan.

Total 1

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 6** - Representative Witt moved **HB 6**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat, Everett, Morgan.

Total 3

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Lake.

Total 1

**HB 7** - Representative Callahan moved **HB 7** do pass.

**HB 7** - Representative Callahan moved **HB 7**, second reading copy, be amended as follows:



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1. Title, line 13.

**Strike:** "A"

**Following:** "TERMINATION"

**Strike:** "DATE"

**Insert:** "DATES"

2. Page 5, line 10.

**Following:** "Termination."

**Insert:** "(1)"

**Following:** "7"

**Insert:** "(3)"

3. Page 5.

**Following:** line 10

**Insert:** "(2) [Section 7(4)] terminates June 30, 2007."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Everett, Stoker, Taylor.

Total 3

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7** - Representative Callahan moved **HB 7**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Everett, Koopman, Morgan, Stoker.

Total 4

Voted Absentee: Balyeat, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 8** - Representative Witt moved **HB 8** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Everett, Koopman, Morgan, Ross, Small-Eastman, Stahl.

Total 6

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 9** - Representative Witt moved **HB 9** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Balyeat, D. Brown, Everett, Hawk, Koopman, Lake, Morgan, Sales, Sinrud, Stahl, Wagman, Wells.

Total 12

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 11** - Representative McNutt moved **HB 11** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman,

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Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, D. Brown, Everett, Koopman, McGillvray, Morgan, Sales, Sinrud, Sonju.  
Total 9

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: Golie.  
Total 1

**HB 12** - Representative Sesso moved **HB 12** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, R. Brown, Everett, Hawk, Koopman, McGillvray, Sales, Sinrud, Stahl, Stoker.  
Total 10

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 22** - Representative McNutt moved **HB 22** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 299** - Representative Wells moved **HB 299** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Glaser, Hawk, Koopman, McGillvray, Sales, Stahl, Stoker.  
Total 8

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 673** - Representative Butcher moved **HB 673** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 54

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 46

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 748** - Representative Wells moved **HB 748** do pass.

**HB 748** - Representative Wells moved **HB 748**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "PROJECTS;"

**Insert:** "PROVIDING FOR DEBT SERVICE PAYMENTS FROM AVAILABLE AMOUNTS IN THE  
TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE  
ACCOUNT;"

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2. Page 1, line 25.

**Insert:** "NEW SECTION. Section 3. Payment of debt service. It is the intent of the legislature to annually pay principal of and interest or premiums, if any, on the bonds authorized by [section 2] from any available funds in the treasure state endowment regional water system special revenue account established in 90-6-715. Funds in the treasure state endowment regional water system special revenue account may be used each fiscal year to pay debt service on the bonds in that fiscal year to the extent that funds in the account are then available. Subject to the limitations of 90-6-715, funds in the treasure state endowment regional water system special revenue account are subject to appropriation for other purposes that the legislature considers appropriate and are not reserved to pay debt service on the bonds authorized by [section 2]."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 748** - Representative Wells moved **HB 748**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Balyeat.  
Total 1

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 758** - Representative McNutt moved **HB 758** do pass.

**HB 758** - Representative Small-Eastman moved **HB 758**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Franklin, Furey, Grinde, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Noonan, Parker, Raser, Small-Eastman, Stahl, Villa, Wilson, Windham.

Total 28

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wiseman, Witt, Mr. Speaker.

Total 71

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 758** - Representative McNutt moved **HB 758** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Koopman, Sales, Small-Eastman.

Total 3

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**HB 769** - Representative Golie moved **HB 769** do pass. Motion carried as follows:

Ayes: Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 59

Noes: Andersen, Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 41

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 364** - Representative Maedje moved **HB 364** do pass. Motion **failed** as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Everett, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Harris, Heinert, Hiner, Jackson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lindeen, Maedje, Musgrove, Noennig, Raser, Small-Eastman, Sonju, Stahl, Taylor, Wanzenried, Wilson, Wiseman, Mr. Speaker.

Total 44

Noes: Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Clark, Driscoll, Eaton, Facey, Franklin, Grinde, Gutsche, Hawk, Hendrick, Henry, Himmelberger, Jacobson, Jent, W. Jones, Keane, Lake, Lambert, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Stoker, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.

Total 56

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: D. Brown, Everett, Franklin, Hawk, Koopman, Lambert, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Small-Eastman, Taylor.

Total 14

Excused: Balyeat.

Total 1

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Absent or not voting: Heinert, Ripley, Ward, Wilson.  
Total 4

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):  
**HB 76**, do pass. Report adopted.  
**HB 336**, introduced bill, be amended as follows:

3/23/2005

1. Page 4, line 22.  
**Strike:** "\$143,560"
2. Page 4, line 23.  
**Following:** "FUND"  
**Insert:** "\$143,560"  
**Strike:** "YEARS"  
**Insert:** "year"  
**Following:** the first "AND"  
**Insert:** "\$143,560 in fiscal year"

And, as amended, do pass. Report adopted.

**HB 393**, do pass. Report adopted.  
**HB 482**, introduced bill, do pass. Report adopted.  
**HB 535**, do pass. Report adopted.

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 769 to the House Appropriations Committee. Without objection, so ordered.

Rep. Facey moved HB 124 be withdrawn from the Appropriations Committee printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Barrett, Becker, Bixby, Branae, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Lake, Lambert, Lange, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 51

Noes: Andersen, Arntzen, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Everett, Franklin, Glaser, Gutsche, Harris, Hawk, Himmelberger, Jackson, L. Jones, Kaufmann, Klock, Koopman, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Wanzienried, Ward, Wells, Witt, Mr. Speaker.  
Total 47

Excused: Balyeat.  
Total 1

Absent or not voting: Lenhart.  
Total 1

Rep. Stahl moved HB 423 be withdrawn from the Appropriations Committee printed and placed on 2nd Reading. This requires a 3/5 vote. Motion carried as follows:



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Ayes: Andersen, Arntzen, Becker, Bergren, D. Brown, Butcher, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Furey, Gallik, Groesbeck, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt.  
Total 62

Noes: Barrett, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, Mendenhall, Parker, Raser, Ripley, Small-Eastman, Wanzenried, Windham, Mr. Speaker.  
Total 36

Excused: Balyeat.  
Total 1

Absent or not voting: Malcolm.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Thursday, March 24, 2005. Motion carried.

House adjourned at 9:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
March 24, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. McAlpin. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative John Balyeat, excused. Quorum present.

Rep. Lange announced the House Republicans will caucus.  
Rep. Parker announced the House Democrats will caucus.  
Speaker Matthews stated the House will stand at ease until 8:45 a.m.

House reconvened at 8:45 a.m.

Speaker Matthews thanked the pages for the week.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 235 from the House Fish, Wildlife and Parks Committee and place on 2nd Reading on March 24, 2005.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/24/2005  
Correctly engrossed: **HB 6, HB 7, HB 140, HB 336, HB 395, HB 440, HB 569, HB 643, HB 667, HB 687, HB 695, HB 689, HB 713, HB 720, HB 745, HB 748, HB 757, HB 771, HB 772, HB 790, HB 791.**  
Correctly printed: **HB 76, HB 89, HB 99, HB 173, HB 235, HB 264, HB 288, HB 326, HB 393, HB 435, HB 438, HB 482, HB 535, HB 707, HB 715, HB 740, HB 742, HB 782, HB 796.**

**BUSINESS AND LABOR** (Keane, Chairman): 3/24/2005  
**HB 772**, introduced bill, be amended as follows:

1. Page 2, line 10.  
**Strike:** "a"  
**Strike:** "organization"  
**Insert:** "organizations"
2. Page 2, line 11.  
**Strike:** "a"  
**Strike:** "organization"  
**Insert:** "organizations"
3. Page 2, line 12.  
**Strike:** "during the injured worker's lifetime"  
**Insert:** "for each catastrophic injury"
4. Page 3, line 16.  
**Strike:** "a"  
**Strike:** "organization"  
**Insert:** "organizations"

And, as amended, do pass. Report adopted.

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**SB 286**, be concurred in. Report adopted.  
**SB 412**, be amended as follows:

1. Title, line 9.

**Following:** "AUTHORITY;"

**Insert:** "AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE FOR A LIMITED MECHANIC'S LICENSE AND A LIMITED ELEVATOR CONTRACTOR'S LICENSE;"

2. Page 2, line 17.

**Following:** "actions;"

**Insert:** "The department shall adopt rules to provide for a limited mechanic's license and a limited elevator contractor's license."

3. Page 3, line 5.

**Following:** "license"

**Insert:** "-- limited mechanic's license"

4. Page 3, line 8.

**Strike:** "An"

**Insert:** "Except as provided in subsection (3), an"

5. Page 3, following line 13.

**Insert:** "(3) The department shall adopt rules for the licensure, without examination, of an applicant who can demonstrate that the applicant has worked continuously as an elevator mechanic for the 3 years prior to [the effective date of this section] and has the requisite experience for licensure. An applicant under this section shall pay the required application fee and shall submit any required proof under oath."

**Renumber:** subsequent subsection

6. Page 3, following line 15.

**Insert:** "(5) (a) The department may issue a limited mechanic's license to an applicant that authorizes a licensee to work only on platform lifts, stairway chairlifts, and dumbwaiters that are installed in private residences.

(b) The examination for a limited mechanic's license must be based on the applicable codes for the equipment that a licensee is authorized to install.

(c) The department shall issue a limited mechanic's license to an applicant that meets the requirements of this subsection (5)."

7. Page 4, line 11.

**Following:** "license"

**Insert:** "-- limited elevator contractor's license"

"

8. Page 4, following line 24.

**Insert:** "(4) The department may issue a limited elevator contractor's license to an applicant that limits a licensee to the business of installing, altering, and repairing elevators, platform lifts, stairway chairlifts, and dumbwaiters in private residences. The department shall issue a limited elevator contractor's license to an applicant that meets the requirements of this section."

9. Page 5, line 24 through line 27.

**Strike:** subsection (1) in its entirety

**Insert:** "(1)(a) All licenses issued under [sections 1 through 14] expire on a date set by department rule.

(b) A licensee may renew a license by filing an application with the department on a form provided by the department and by paying a renewal fee in an amount established by the department by rule."

10. Page 11, line 1.

**Following:** "basis"

**Insert:** ", except that freight elevator inspections must be conducted every 2 years"

11. Page 13, line 27.

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**Strike:** "on passage and approval"

**Insert:** "October 1, 2005"

And, as amended, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):  
**HB 235**, without recommendation. Report adopted.

3/24/2005

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**SB 167**, be concurred in. Report adopted.  
**SB 225**, be concurred in. Report adopted.  
**SB 294**, be amended as follows:

3/24/2005

1. Page 1, line 20.

**Strike:** "5"

**Insert:** "2"

And, as amended, be concurred in. Report adopted.

**SB 350**, be concurred in. Report adopted.  
**SB 472**, be amended as follows:

1. Title, line 5.

**Strike:** "AS COUNTY PROJECTS"

2. Page 1, line 14.

**Strike:** "county"

**Insert:** "public"

3. Page 1, line 15.

**Following:** "REQUEST OF A"

**Insert:** "federal or"

**Following:** "AGENCY"

**Insert:** " , "

**Strike:** "OR"

4. Page 1, line 16.

**Following:** "GOVERNMENT"

**Insert:** " , or nonprofit corporation"

**Following:** "TERMS"

**Insert:** "or on their own action for county projects"

5. Page 1, line 17 and line 18.

**Strike:** "public"

**Following:** the first "projects"

**Strike:** remainder of line 17 through "county" on line 18

**Insert:** "as public"

6. Page 1, line 25.

**Strike:** "county"

**Insert:** "government"

7. Page 1, line 26.

**Strike:** "county"

**Insert:** "government"

8. Page 2, line 10.

**Strike:** "Failure"

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**Insert:** "An unexcused failure"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

3/24/2005

**HB 782**, do pass. Report adopted.

**HB 790**, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

**Strike:** "MAY" on line 8

**Insert:** "SHALL, IF APPROPRIATE,"

**Strike:** "IF IT" on line 8 through "NECESSARY" on line 9

2. Page 1, line 25 through page 2, line 2.

**Strike:** "two" on page 1, line 25 through "senate" on page 2, line 2

**Insert:** "four members, two from each political party, who are legislators appointed to the environmental quality council;

(ii) two members who are public members of the environmental quality council"

3. Page 2, line 3.

**Strike:** "(v) four"

**Insert:** "(iii) six"

4. Page 2, line 6.

**Strike:** "four"

**Insert:** "six"

**Strike:** "(2)(a)(v)"

**Insert:** "(2)(a)(iii)"

5. Page 2, line 10.

**Strike:** "(2)(a)(v)"

**Insert:** "(2)(a)(iii)"

6. Page 2, line 15.

**Strike:** "must"

**Insert:** "should"

**Following:** "agreements"

**Insert:** ", including but not limited to road development and dust mitigation, the disposal of produced water, and onsite water impoundments"

7. Page 2, line 29.

**Following:** "impoundments"

**Insert:** "and effects on downstream water users"

8. Page 2, line 30 through page 3, line 1.

**Strike:** "may" on page 2, line 30

**Insert:** "shall, if appropriate,"

**Strike:** "if it" on page 2, line 30 through "format" on page 3, line 1

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/24/2005

**SB 66**, introduced by Kitzenberg

**SB 146**, introduced by McGee

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**SB 224**, introduced by Laslovich

**Senate joint resolution** passed and transmitted to the House for concurrence: 3/24/2005

**SJR 5**, introduced by Schmidt

**House bills** concurred in and returned to the House: 3/24/2005

**HB 206**, introduced by Noonan  
**HB 420**, introduced by Wagman  
**HB 520**, introduced by Furey

**House joint resolution** concurred in and returned to the House: 3/24/2005

**HJR 30**, introduced by Roberts

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/24/2005

**HB 363**, introduced by Eaton  
**HB 425**, introduced by Parker  
**HB 457**, introduced by Noennig  
**HB 473**, introduced by Parker  
**HB 726**, introduced by Gutsche  
**HB 737**, introduced by McNutt  
**HB 738**, introduced by Kaufmann

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 39**, introduced by Gallik, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 66**, introduced by Kitzenberg, referred to Taxation.  
**SB 146**, introduced by McGee, referred to Judiciary.  
**SB 224**, introduced by Laslovich, referred to Education.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 5**, introduced by Schmidt, referred to Education.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Noennig in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 277** - Representative Parker moved consideration of **HB 277** be placed below **HB 395** on the second reading board. Motion carried.

**HB 35** - Representative Parker moved consideration of **HB 35** be placed below **HB 326** on the second reading board. Motion carried.

**HB 249** - Representative Lindeen moved **HB 249** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, W. Jones, Koopman, Lake, Lambert, Malcolm, McGillvray, McNutt, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 32

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 288** - Representative Himmelberger moved consideration of **HB 288** be placed at the bottom of the second reading board. Motion carried.

**HB 264** - Representative Windham moved **HB 264** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.  
Total 35

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: Hamilton.  
Total 1

**HB 326** - Representative Peterson moved **HB 326** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

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Noes: Buzzas, Caferro, Everett, Hawk, Jayne, Kaufmann, Koopman, Sales.  
Total 8

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 35** - Representative Parker moved consideration of **HB 35** be placed below **HB 704** on the second reading board.  
Motion carried.

**HB 379** - Representative Windy Boy moved **HB 379** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, R. Brown, Everett, Hawk, Jackson, Koopman, Mendenhall, Ripley, Sinrud, Wells.  
Total 10

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 484** - Representative L. Jones moved **HB 484** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Keane, Koopman.  
Total 2

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.



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Total 0

**HB 512** - Representative Witt moved **HB 512** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Balyeat, Eaton, Koopman, McGillvray, Sales, Sinrud, Warden.

Total 7

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Roberts.

Total 1

**HB 531** - Representative Franklin moved **HB 531** do pass. Motion carried as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Everett, Grinde, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Warden, Witt.

Total 39

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 540** - Representative Dickenson moved **HB 540** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 95

Noes: Balyeat, Everett, Hawk, Sales, Stoker.

Total 5

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 552** - Representative Caferro moved **HB 552** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 42

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 704** - Representative Windy Boy moved **HB 704** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 88

Noes: Everett, Hawk, Hendrick, Koopman, Lake, Peterson, Rice, Ross, Sales, Sonju, Wells, Witt.

Total 12

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 35** - Representative Parker moved consideration of **HB 35** be placed below **HB 395** on the second reading board. Rep. Sales objected. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Arntzen, D. Brown, Golie, Hawk, L. Jones, W. Jones, Koopman, MacLaren, McGillvray, McKenney, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Taylor, Ward, Warden, Wells.  
Total 20

Excused: Balyeat.  
Total 1

Absent or not voting: Dowell, Furey, Hendrick, Raser, Wagman, Windham.  
Total 6

**HB 742** - Representative Buzzas moved **HB 742** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 67

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, MacLaren, McGillvray, McKenney, Mendenhall, Milburn, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wells, Witt, Mr. Speaker.  
Total 33

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 749** - Representative Ripley moved **HB 749** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wilson, Windy Boy, Witt.  
Total 81

Noes: D. Brown, Everett, Harris, Koopman, McGillvray, Mendenhall, Parker, Rice, Sales, Sinrud, Wanzenried, Ward, Wells, Wiseman, Mr. Speaker.  
Total 15

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Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: Facey, Furey, Lindeen, Windham.  
Total 4

**HB 89** - Representative Witt moved **HB 89** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 86

Noes: Buzzas, Everett, Gallik, Gutsche, Hamilton, Koopman, McGillvray, Sales, Sinrud, Stoker, Wells, Windham, Wiseman.  
Total 13

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

**HB 99** - Representative Lange moved **HB 99** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Balyeat, Bixby, Caferro, Campbell, Everett, Jayne, Juneau, Kaufmann, Koopman, Maedje, Rice.  
Total 11

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

**HB 140** - Representative Parker moved **HB 140** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson,

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Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: D. Brown, R. Brown, Everett, Hawk, Himmelberger, Koopman, Lake, Mendenhall, Rice, Ross, Sales, Sinrud.  
Total 12

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**HB 395** - Representative Becker moved **HB 395** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: D. Brown, Dickenson, Everett, Furey, Galvin-Halcro, Hawk, Hiner, Jayne, Koopman, Lake, McKenney, Noonan, Rice, Ross, Sales, Sinrud, Villa, Wells.

Total 18

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Arntzen, Witt.

Total 2

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noennig moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 82

Noes: Butcher, Everett, Hawk, Jayne, MacLaren, McGillvray, Mendenhall, Rice, Sales, Waitschies, Wells.

Total 11

Excused: Balyeat.

Total 1

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Absent or not voting: Andersen, Juneau, Koopman, Malcolm, Morgan, Taylor.  
Total 6

Rep. Lange announced the House Republicans will caucus.  
Rep. Parker announced the House Democrats will caucus.  
Chairman Noennig stated the House will stand at ease until 11:00 a.m.

House resumed at 11:00 a.m.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):

3/24/2005

**HB 173**, do pass. Report adopted.

**HB 204**, do pass. Report adopted.

**HB 667**, introduced bill, be amended as follows:

1. Title, line 23.

**Following:** "CREDITS"

**Insert:** "AND PROVIDING FOR CONTINGENT FUNDING"

2. Page 2, line 4.

**Strike:** "The"

**Insert:** "Subject to the conditions in 53-6-1201, the"

3. Page 6, line 6.

**Strike:** "The"

**Insert:** "Subject to the conditions in 53-6-1201, the"

4. Page 25, line 24.

**Following:** "initiatives"

**Insert:** "-- contingency"

5. Page 26, line 19.

**Following:** "(4)"

**Insert:** "(a) The money appropriated for fiscal year 2006 for the program in subsections (3)(d) through (3)(g) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section.

(b) For each succeeding fiscal year, on or before July 1, the budget director shall calculate a balance required to sustain the program for each fiscal year of the next biennium. If the budget director certifies that the reserve balance will be sufficient, then the commissioner may expend the revenue for the program as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify the commissioner. Upon receipt of the notification, the commissioner shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c)"

6. Page 26, line 25.

**Insert:** "NEW SECTION. Section 19. Contingency on expenditure. [Sections 1 through 9] may not be construed to require implementation or ongoing operation of the programs in 53-6-1201(3)(d) through (3)(g) without a line item appropriation in the general appropriations bill included for that purpose."

**Renumber:** subsequent subsections

7. Page 26, line 29.

**Strike:** "[Section 10] is"

**Insert:** "[Sections 10 and 19] are"

8. Page 26, line 30.

**Strike:** "[section 10]"

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**Insert:** "[sections 10 and 19]"

And, as amended, do pass. Report adopted.

**HB 713**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "\$1 million"

**Insert:** "\$250,000"

2. Page 1, line 20.

**Insert:** "(3) Any funds not expended specifically for the purposes of [this act] must revert to the general fund."

And, as amended, do pass. Report adopted.

**HB 715**, do pass. Report adopted.

**HB 740**, do pass. Report adopted.

**HB 757**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "ACCOUNT;"

**Insert:** "AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR FUNDING THE ACCOUNT;"

2. Page 2, line 1.

**Following:** "program."

**Insert:** "The department may request the board of examiners to issue revenue bonds, as provided in [sections 7 through 21] for the purpose of providing funds for a loan."

3. Page 2, line 9.

**Strike:** "(1)"

4. Page 2, lines 12 and 13.

**Strike:** subsection (2) in its entirety

5. Page 4, line 29.

**Insert:** "NEW SECTION. **Section 7. Definitions.** As used in [sections 7 through 21], the following definitions apply:

(1) "Board" means the board of examiners created under 2-15-1007.

(2) "Bonds" means bonds, notes, or other evidences of indebtedness issued pursuant to [sections 7 through 21] as essential freight rail revenue bonds.

(3) "Cost", as applied to any project, means any cost of any part of the project pursuant to 60-11-120.

(4) "Outstanding bonds" means bonds issued and outstanding at any particular time but does not include bonds owned by the state, bonds that have been refunded, or bonds for the payment of which an irrevocable deposit of cash and United States government securities has been made in an amount sufficient to pay principal, interest, and redemption premium, if any, when due.

(5) "Projects" means the acquisition, construction, reconstruction, maintenance, and repair of rail lines.

(6) "Revenue" means the revenue from the operation of a rail line credited to the department in the state special revenue fund."

**Insert:** "NEW SECTION. **Section 8. Revenue bond debt service account -- deposit of bond proceeds.** (1) There is in the debt service fund an essential freight rail revenue bond debt service account. Subject only to the prior pledge and appropriation made by 17-5-507, the state treasurer shall deposit revenue as may be pledged to the payment of particular bonds to the credit of the essential freight rail revenue bond debt service account as required by resolution or indenture.

(2) All proceeds of an issue of bonds must be deposited in a separate account in the state special revenue fund, except that any premiums and accrued interest received may be deposited in a separate account in the debt service fund established for that bond issue by resolution or indenture. No more than the principal and interest on the bonds due in any year may be retained in the essential freight rail revenue bond debt service account for the payment of bonds. The remainder of pledged revenue is available for authorized purposes of the department. Money

deposited in the separate accounts in the state special revenue fund until spent for project purposes may be pledged and appropriated for the payment of bonds, which are a first lien and prior charge upon the funds, and the funds may be used for payment of bonds to the extent that revenue deposited in the essential freight rail revenue bond debt service account are not sufficient for those purposes.

(3) Interest and investment earnings on the separate accounts in subsections (1) and (2) must be retained in the separate accounts referred to in subsection (2)."

**Insert: "NEW SECTION. Section 9. Pledge of revenue.** All or any portion of revenue may be pledged to the payment of the principal, interest, and redemption premium, if any, on particular issues of essential freight rail revenue bonds, and the pledge is and remains at all times a first lien and prior charge upon the pledged revenue credited to the essential freight rail revenue bond debt service account, subject to a first lien and charge in favor of certain essential freight rail revenue bonds as provided in 17-5-507 and subject to the pledge of particular revenue to secure particular issues of essential freight rail revenue bonds."

**Insert: "NEW SECTION. Section 10. Authority to issue revenue bonds.** The board may issue and sell essential freight rail revenue bonds to finance the cost of projects, to pay the costs of issuing the bonds, and to provide for reserves, upon recommendation of the department. The state reserves the right to issue additional bonds secured equally and ratably by the pledge and appropriation of the revenue or separately secured by a portion of revenue subject only to the pledge of particular revenue to secure particular bonds."

**Insert: "NEW SECTION. Section 11. Collection of revenue -- restriction on additional bonds.** The legislature shall provide for the continued collection and deposit of revenue into the state special revenue fund for the credit of the department in amounts sufficient to pay, when due, the annual debt service charges on all outstanding bonds. The board is authorized to include a contractual undertaking for the benefit of bondholders to this effect in the resolution or indenture under which the bonds are issued."

**Insert: "NEW SECTION. Section 12. Bond anticipation notes -- issued when -- payment of principal and interest.** (1) The board may, pending the issuance of essential freight rail revenue bonds, issue temporary notes in anticipation of the proceeds to be derived from the sale of the bonds, which notes are designated as "bond anticipation notes". The proceeds of the sale of the bond anticipation notes may be used only for the purpose for which the proceeds of the bonds are to be used, including costs of issuance. If, prior to the issuance of the bonds, it becomes necessary or desirable to redeem outstanding notes, additional bond anticipation notes may be issued to redeem the outstanding notes. A renewal of any note may not be issued after the sale of bonds in anticipation of which the original notes were issued.

(2) Bond anticipation notes or other short-term evidences of indebtedness maturing not more than 3 years after the date of issue may be issued from time to time as the proceeds are needed. The notes must be authorized by the board and have terms and provisions as may be provided by resolution of the board. However, each resolution of the board authorizing notes must:

(a) describe the need for the proceeds of the notes to be issued; and  
(b) specify the principal amount of the notes or maximum principal amount of the notes that may be outstanding at any one time, the rate or rates of interest or maximum rate of interest or interest rate formula of the notes as determined in the manner specified in the resolution authorizing the notes, and the maturity date or maximum maturity date of the notes.

(3) Subject to the limitations contained in this section and the standards and limitations prescribed in the authorizing resolution, the board in its discretion may provide for the notes described in subsection (2) to be issued and sold, in whole or in part, from time to time, and may delegate to the state treasurer the power to determine the time or times of sale, the manner of sale, the amounts, the maturities, the rate or rates of interest, and other terms and details of the notes as may be considered appropriate by the board or, if there has been a delegation, the state treasurer. The board may, in its discretion but subject to the limitations contained in this section, provide in the resolution authorizing the issuance of notes for:

(a) the employment of one or more persons or firms to assist the board in the sale of the notes;  
(b) the appointment of one or more banks or trust companies, either inside or outside the state, as depository for safekeeping and as agent for the delivery and payment of the notes;  
(c) the refunding of the notes, from time to time, without further action by the board, unless and until the board revokes the authority to refund; and

(d) other terms and conditions that the board may consider appropriate."

**Insert: "NEW SECTION. Section 13. Form -- principal and interest -- fiscal agent -- bonds authorized.** (1) Each series of essential freight rail revenue bonds may be issued by the board at public or private sale, in denominations and form, whether payable to bearer or registered as to principal or both principal and interest, with provisions for the conversion or exchange, bearing interest at a rate or rates or the method of determining the rate or rates, maturing at times, not more than 40 years from the date of issue, subject to redemption at earlier times and prices and upon notice, and payable at the office of a fiscal agency of the state that the board shall determine, subject



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to the limitations contained in [sections 7 through 21]. Any action taken by the board under [sections 7 through 21] must be approved by at least a majority vote of its members.

(2) In all other respects, the board is authorized to prescribe the form and terms of the bonds and shall do whatever is lawful and necessary for their issuance and payment.

(3) Bonds and any interest coupons appurtenant to the bonds must be signed by the members of the board, and the bonds must be issued under the great seal of the state of Montana. The bonds and coupons may be executed with facsimile signatures and seal in the manner and subject to the limitations prescribed by law. The state treasurer shall keep a record of all bonds issued and sold.

(4) The board may employ a fiscal agent and a bond registrar and transfer agent to assist in the performance of its duties under [sections 7 through 21].

(5) In connection with the issuance and sale of bonds, the board may arrange for lines of credit or letters of credit with any bank, firm, or person for the purpose of providing an additional source of repayment for bonds issued pursuant to [sections 7 through 21]. Amounts drawn on lines of credit may be evidenced by negotiable or nonnegotiable notes or other evidences of indebtedness, containing the terms and conditions that the board may authorize in the resolution approving the same.

(6) No more than \$150 million of bonds issued under [sections 7 through 21] may be outstanding at any time. Additional bonds, other than refunding bonds, may not be issued until the pledge in favor of the bonds is satisfied and discharged."

**Insert: "NEW SECTION. Section 14. Trust indenture.** In the discretion of the board, essential freight rail revenue bonds issued under [sections 7 through 21] may be secured by a trust indenture by and between the board and a trustee, which may be any trust company or bank having the powers of a trust company inside or outside of the state. Each trust indenture or an executed counterpart of the indenture must be filed in the office of the secretary of state. The filing of a trust indenture or an executed counterpart of the indenture in the office of the county clerk and recorder of the county in which the property covered by the trust indenture is located is constructive notice of its content to all persons from the time of filing, and the recording of the trust indenture or its content is not necessary."

**Insert: "NEW SECTION. Section 15. Provisions for protecting bondholders.** The resolution of the board providing for the issuance of essential freight rail revenue bonds or the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders that are reasonable, proper, and not in violation of law, including covenants setting forth the duties of the state, the board, and the department in relation to the projects financed with the proceeds of the bonds and the custody, safeguarding, and application of all money. The trust indenture may set forth the rights and remedies of the bondholders customary in trust indentures, deeds of trusts, and mortgages securing bonds or debentures of corporations. The enumeration of particular powers granted by this section may not impair any general grant of power contained in [sections 7 through 21]."

**Insert: "NEW SECTION. Section 16. Personal liability -- suit to compel performance.** (1) The members of the board and officers and employees of the department are not personally liable or accountable by reason of the issuance of or on any essential freight rail revenue bond issued by the board under [sections 7 through 21].

(2) Any holder of bonds issued under [sections 7 through 21] or any person or officer who is a party in interest, subject to any applicable agreements or trust indentures, may sue to enforce and compel the performance of the bond provisions as set out in [sections 7 through 21]."

**Insert: "NEW SECTION. Section 17. Negotiability of bonds.** Essential freight rail revenue bonds issued under [sections 7 through 21] are negotiable instruments under the Uniform Commercial Code, subject only to the provisions for registration of bonds."

**Insert: "NEW SECTION. Section 18. Signatures of board members.** If any member of the board whose signature appears on essential freight rail revenue bonds or coupons issued under [sections 7 through 21] ceases to be a member before the delivery of the bonds, the member's signature is nevertheless valid and sufficient for all purposes as if the member had remained in office until delivery."

**Insert: "NEW SECTION. Section 19. Refunding obligations.** (1) The board may provide for the issuance of refunding obligations for refunding any obligations then outstanding that have been issued under [sections 7 through 21], including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption of the obligations. The issuance of refunding obligations, the maturities and other details, the rights of the holders, and the rights, duties, and obligations of the state are governed by the appropriate provisions of [sections 7 through 21] that relate to the issuance of the obligations.

(2) Refunding obligations issued as provided in subsection (1) may be sold or exchanged for outstanding obligations issued under [sections 7 through 21]. The proceeds may be applied to the purchase, redemption, or payment of the outstanding obligations. Pending the application of the proceeds of refunding obligations, with other available funds, to the payment of principal, accrued interest, and any redemption premium on the obligations being refunded and, if permitted in the resolution authorizing the issuance of the refunding obligations or in the trust

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agreement securing them, to the payment of interest on refunding obligations and expenses in connection with refunding, the proceeds may be invested as provided in Title 17, chapter 6."

**Insert:** "NEW SECTION. Section 20. Pledge of state. In accordance with the constitutions of the United States and the state of Montana, the state pledges that it will not in any way impair the obligations of any agreement between the state and the holders of notes and essential freight rail revenue bonds issued by the state under [sections 7 through 21]."

**Insert:** "NEW SECTION. Section 21. Tax exemption of bonds -- legal investment. (1) All essential freight rail revenue bonds issued under [sections 7 through 21], their transfer, and their income, including any profits made on their sale, are exempt from taxation by the state or any political subdivision or other instrumentality of the state, except for estate taxes.

(2) Bonds issued under [sections 7 through 21] are legal investments for any person or board charged with investment of public funds and are acceptable as security for any deposit of public money."

**Renumber:** subsequent sections

6. Page 4, line 30.

**Following:** "4"

**Insert:** "and 7 through 21"

7. Page 5, line 2.

**Following:** "4"

**Insert:** "and 7 through 21"

And, as amended, do pass. Report adopted.

**HB 791**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "\$7.5"

**Insert:** "\$6.1"

2. Page 2, line 12.

**Strike:** "\$7.5"

**Insert:** "\$6.1"

And, as amended, do pass. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman):

3/24/2005

**SB 363**, be concurred in. Report adopted.

**SB 460**, be concurred in. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 4** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 64

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Wells.

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Total 32

Excused: Balyeat.

Total 1

Absent or not voting: Buzzas, Franklin, Himmelberger.

Total 3

**HB 5** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: Andersen, D. Brown, Everett, Hawk, Heinert, Koopman, Lake, McGillvray, Sales, Sinrud, Stahl, Stoker, Taylor.

Total 13

Excused: Balyeat.

Total 1

Absent or not voting: Franklin.

Total 1

**HB 8** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Glaser, Koopman.

Total 2

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

**HB 9** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan,

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A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: D. Brown, Everett, Hawk, Heinert, Koopman, Lake, Mendenhall, Morgan, Sales, Sinrud, Sonju, Stahl, Wagman, Wells.  
Total 14

Excused: Balyeat.  
Total 1

Absent or not voting: Franklin.  
Total 1

**HB 11** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: D. Brown, Koopman, Lake, McGillvray, Morgan.  
Total 5

Excused: Balyeat.  
Total 1

Absent or not voting: Dickenson.  
Total 1

**HB 12** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Koopman, Lake, Lange, MacLaren, McGillvray, McKenney, Milburn, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward.  
Total 22

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**HB 22** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro,

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Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Koopman, Lake.  
Total 2

Excused: Balyeat.  
Total 1

Absent or not voting: Keane.  
Total 1

**HB 148** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 76

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, Koopman, Lake, Malcolm, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Wells.  
Total 23

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**HB 299** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: D. Brown, Hawk, Koopman, McGillvray, Sales, Stahl, Stoker.  
Total 7

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

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**HB 673** passed as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 54

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 45

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**HB 752 failed** (due to 2/3 vote requirement) as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 41

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**HB 758** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Koopman, Sales, Stahl, Stoker.  
Total 4

Excused: Balyeat.  
Total 1

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Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Clark moved HB 219 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Bergren moved HB 417 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading on March 29, 2005. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 58

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, Noennig, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Wiseman.  
Total 41

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Small-Eastman moved HB 499 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

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Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Lange moved HB 374 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 86

Noes: Barrett, Becker, Everett, Klock, Lambert, Maedje, Malcolm, McKenney, Mendenhall, Milburn, B. Olson, Rice, Witt.

Total 13

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Bergren moved HB 698 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Buzzas, Callahan, Clark, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Hiner, Jayne, L. Jones, Jopek, Koopman, McKenney, Mendenhall, Milburn, B. Olson, Rice, Ross, Sinrud, Sonju, Waitschies, Wanzenried, Witt.

Total 24

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Harris moved HB 614 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading



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on March 29, 2005. This requires a 3/5 vote. Motion passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 67

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, B. Olson, Peterson, Ripley, Roberts, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 32

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Noonan moved HB 761 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 40

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):

3/24/2005

**HB 707**, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Noennig in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 35** - Representative Jent moved **HB 35** do pass.

**HB 35** - Representative Jent moved **HB 35**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

**Following:** ~~FEES;~~

**Insert:** "PROVIDING A FUNDING MECHANISM FOR THE INCREASES BY RAISING CERTAIN VEHICLE REGISTRATION FEES;"

2. Title, page 1, line 10.

**Strike:** "AN"

**Insert:** "FOR A STATUTORY"

3. Title, page 1, line 11.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

4. Title, page 1, line 12.

**Following:** ~~"61-3-321,"~~

**Insert:** "17-7-502, AND 61-3-321,"

5. Page 13.

**Following:** line 18

**Insert:** "Section 2. Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-11-404; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; [section 4]; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; and pursuant to sec. 135, Ch. 114, L. 2003, the inclusion of 2-15-151 terminates June 30, 2005.)"

**Insert:** "Section 3. Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, \$13.75 in calendar year 2004 and, in each subsequent year, \$17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or

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semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

- (c) motor vehicles registered pursuant to 61-3-411 that are:
  - (i) 2,850 pounds and over, \$10; and
  - (ii) under 2,850 pounds, \$5;
- (d) off-highway vehicles registered pursuant to 23-2-817, \$9 in calendar year 2004 and, in each subsequent year, \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.
- (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, \$18.75 in calendar year 2004 and, in each subsequent year, \$22;
- (f) logging trucks less than 1 ton, \$23.75;
- (g) motor homes, \$22.25;
- (h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$9.75 in calendar year 2004 and, in each subsequent year, \$11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.
- (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.
- (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.
- (k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.
- (l) recreational vehicles, \$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.
- (2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.
- (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.
- (3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$5 in calendar year 2004 and, in each subsequent year, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- (4) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.
- (5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.
- (6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.
- (b) The following vehicles are not subject to the fee imposed in subsection (6)(a):
  - (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and
  - (ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.
- (7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.
- (b) The following vehicles are not subject to the fee:
  - (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;
  - (ii) off-highway vehicles registered pursuant to 23-2-817; and
  - (iii) vehicles bearing license plates described in 61-3-458(3)(d).
- (8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.
- (9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.
- (10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

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(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected.

(12) For each vehicle subject to a registration fee under subsection (1), an additional fee of \$5 must be collected and forwarded to the department of revenue. The department of revenue shall deposit the \$5 in the account established in [section 4]. "

**Insert:** "NEW SECTION. Section 4. Special revenue account to partially fund highway patrol officers' salaries -- statutory appropriation. (1) There is an account in the state special revenue fund provided for in 17-2-102.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of justice to fund, pursuant to 2-18-303(10):

(a) an increase in the base salary for the number of highway patrol officer positions existing on June 30, 2006;

(b) the base salary and associated operating costs for new highway patrol officer positions created after June 30, 2006; and

(c) biennial salary increases after June 30, 2006, for highway patrol officers."

**Renumber:** subsequent sections

6. Page 14, line 7 through line 15.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

7. Page 14.

**Following:** line 19

**Insert:** "(1) [Section 4] is intended to be codified as an integral part of Title 44, chapter 1, part 5, and the provisions of Title 44, chapter 1, part 5, apply to [section 4]."

8. Page 14, line 20.

**Following:** "(2)"

**Insert:** "(2)"

**Strike:** "2"

**Insert:** "5"

9. Page 14, line 21.

**Strike:** "2"

**Insert:** "5"

10. Page 19, line 15.

**Strike:** "[Section 2] is"

**Insert:** "[Sections 2 through 4] are"

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillivray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson,

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Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 35** - Representative Jent moved **HB 35**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 91

Noes: Balyeat, D. Brown, Glaser, Hawk, Maedje, Mendenhall, Stahl, Wells, Witt.

Total 9

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 277** - Representative Maedje moved **HB 277** do pass.

**HB 277** - Representative Maedje moved **HB 277**, second reading copy, be amended as follows:

1. Page 1, line 12.

**Strike:** "\$100,000 from the general fund"

**Insert:** "\$45,000 from the state special revenue account for state parks"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Balyeat, Barrett, D. Brown, R. Brown, Cohenour, Dickenson, Eaton, Gallik, Gutsche, Hamilton, Harris, Henry, Himmelberger, Jayne, W. Jones, Lake, McAlpin, McGillvray, McKenney, Morgan, B. Olson, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies.

Total 29

Voted Absentee: Balyeat, No.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 277** - Representative Maedje moved **HB 277**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 58

Noes: Balyeat, Barrett, D. Brown, R. Brown, Cohenour, Dickenson, Driscoll, Eaton, Everett, Gallik, Grinde, Gutsche, Hamilton, Harris, Hawk, Himmelberger, Jayne, W. Jones, Koopman, Lake, Lange, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells, Windy Boy.  
Total 41

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: Juneau.  
Total 1

**HB 435** - Representative Branae moved **HB 435** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 45

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 438** - Representative Buzzas moved **HB 438** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt,

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Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: D. Brown, Lake, Malcolm, Mendenhall, Sales.  
Total 5

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 76** - Representative Parker moved consideration of **HB 76** be placed at the top of the second reading board. Motion carried.

**HB 76** - Representative Buzzas moved **HB 76** do pass.

**HB 76** - Representative Buzzas moved **HB 76**, second reading copy, be amended as follows:

1. Page 1, line 9.  
**Strike:** "AN IMMEDIATE"  
**Insert:** "A DELAYED"

2. Page 1, line 22.  
**Strike:** "2005"  
**Insert:** "2007"

3. Page 4, line 30.  
**Strike:** "on passage and approval"  
**Insert:** "July 1, 2007"

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**HB 76** - Representative Buzzas moved **HB 76**, as amended, do pass. Motion carried as follows:

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Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Waitschies, Ward, Wells, Witt.

Total 36

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 440** - Representative Wiseman moved **HB 440** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 41

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 687** - Representative Mendenhall moved **HB 687** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman.

Total 68

Noes: Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Everett, Golie, Hamilton, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, McGillvray, A. Olson, B. Olson, Rice, Wagman, Waitschies, Windy Boy, Witt, Mr. Speaker.

Total 32



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Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 695** - Representative Jayne moved **HB 695** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.  
Total 35

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 796** - Representative Callahan moved **HB 796** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, Everett, Heinert, Hendrick, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.  
Total 31

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 336** - Representative Lange moved **HB 336** do pass.

**HB 336** - Representative Morgan moved **HB 336**, second reading copy, be amended.

Amendment **not** adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 336** - Do pass motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Bergren, Callahan, Eaton, Everett, Gallik, Golie, Heinert, Jackson, Juneau, Klock, Koopman, Lake, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Taylor, Waitschies, Wells, Wilson.

Total 22

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Himmelberger assumed the Chair.

**HB 482** - Representative Lindeen moved **HB 482** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

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Noes: Barrett, Everett, Hawk, Koopman, McGillvray, Morgan, B. Olson, Sinrud, Stoker, Waitschies.  
Total 10

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: MacLaren.  
Total 1

**HB 288** - Representative Noennig moved **HB 288** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Jayne, Koopman, Sales, Sinrud, Wells.  
Total 6

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: Roberts.  
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: D. Brown, Everett, Hawk, W. Jones, Koopman, MacLaren, Mendenhall, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Wells.  
Total 14

Excused: Balyeat.  
Total 1

Absent or not voting: Clark, Himmelberger, Roberts.  
Total 3

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.

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Speaker Matthews stated the House will stand at ease until 2:05 p.m.

House reconvened at 2:15 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Noennig in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 423** - Representative Stahl moved **HB 423** do pass.

**HB 423** - Representative Stahl moved **HB 423**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "GENERAL"

**Insert:** "STATE SPECIAL REVENUE"

2. Page 1, line 26.

**Strike:** "general fund"

**Insert:** "state special revenue account used for the purpose of state parks"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Butcher, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Jackson, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.

Total 63

Noes: Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Galvin-Halcro, Golie, Grinde, Himmelberger, Hiner, Jacobson, Jayne, W. Jones, Kaufmann, Koopman, Lake, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Wells, Windham, Mr. Speaker.

Total 37

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 423** - Representative Stahl moved **HB 423**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.

Total 61

Noes: Barrett, Bixby, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Everett, Golie, Grinde, Hawk,

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Total 39

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 235** - Representative Lange moved **HB 235** do pass.

**HB 235** - Representative Clark moved **HB 235**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "ACCESS"

**Insert:** "ENHANCEMENT"

**Following:** "PROGRAMS"

**Insert:** "AND LAW ENFORCEMENT"

2. Title, line 13.

**Following:** "COMMITTEE;"

**Insert:** "PROVIDING AN APPROPRIATION;"

3. Page 2, line 5.

**Following:** "access"

**Insert:** "enhancement"

**Following:** "programs"

**Insert:** "and law enforcement"

3. Page 6, line 23.

**Insert:** "NEW SECTION. Section 6. Appropriation. In order to implement the law enforcement provisions of [section 1(4)] and other fish, wildlife, and parks department enforcement duties, there is appropriated from the department of fish, wildlife, and parks state special revenue fund account to the department of fish, wildlife, and parks \$114,000 in fiscal year 2006 and \$104,500 in fiscal year 2007 for two FTE regional game warden investigators."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Roberts, Sesso, Small-Eastman, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Andersen, D. Brown, R. Brown, Butcher, Everett, Galvin-Halcro, Golie, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Wanzenried, Wells, Witt.

Total 37

Voted Absentee: Balyeat, Aye.

Excused: None.

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Total 0

Absent or not voting: Barrett.

Total 1

**HB 235** - Representative Lange moved **HB 235**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, D. Brown, R. Brown, Butcher, Caferro, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Grinde, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 72

Noes: Barrett, Bixby, Branae, Buzzas, Callahan, Campbell, Dickenson, Dowell, Franklin, Galvin-Halcro, Golie, Groesbeck, Harris, Hawk, Jacobson, Jayne, Juneau, Keane, Lake, Lindeen, Musgrove, Raser, Ripley, Ross, Sesso, Small-Eastman, Villa, Witt.  
Total 28

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 772** - Representative Facey moved **HB 772** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 41

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Speaker Matthews moved consideration of **HB 782**, **HB 173**, and **HB 204** be placed below **HB 740** on the second reading board. Motion carried.

**HB 713** - Representative Parker moved consideration of **HB 713** be passed for the day. Motion carried.

**HB 790** - Representative Peterson moved **HB 790** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan,

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Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Andersen, R. Brown, Gallik, Hawk, Himmelberger, Jayne, Lake, Ripley, Taylor.  
Total 9

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: Roberts.  
Total 1

**HB 667** - Representative Wanzenried moved **HB 667** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 79

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, Klock, Koopman, Lake, Lambert, Lange, A. Olson, B. Olson, Ripley, Ross, Sales, Waitschies, Ward, Wells.  
Total 21

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 707** - Representative Groesbeck moved **HB 707** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, Galvin-Halcro, Hawk, Jayne, L. Jones, Malcolm, McGillvray, Milburn.  
Total 8

Voted Absentee: Balyeat, No.

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Excused: None.  
Total 0

Absent or not voting: Clark.  
Total 1

**HB 715** - Representative Maedje moved **HB 715** do pass. Motion **failed** as follows:

Ayes: Balyeat, Bergren, Branae, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, W. Jones, Jopek, Lambert, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, Raser, Roberts, Sesso, Small-Eastman, Ward, Windham, Wiseman.  
Total 39

Noes: Andersen, Arntzen, Barrett, Becker, Bixby, D. Brown, R. Brown, Buzzas, Callahan, Clark, Dowell, Everett, Franklin, Galvin-Halcro, Golie, Gutsche, Hawk, Hendrick, Himmelberger, Jayne, Jent, L. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 61

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 740** - Representative Heinert moved **HB 740** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: D. Brown, Hendrick, Koopman, Lake, Malcolm, McAlpin, McGillvray, Mendenhall, Sales, Ward, Wells.  
Total 11

Voted Absentee: Balyeat, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 782** - Representative McNutt moved **HB 782** do pass.

**HB 782** - Representative McNutt moved **HB 782**, second reading copy, be amended as follows:

1. Page 9, line 27.  
**Strike:** "The following money"  
**Insert:** "There"



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**Strike:** "general fund"

**Insert:** "available principal of the resource indemnity trust for fiscal years 2006 and 2007 \$49,000"

2. Page 9, line 29.

**Strike:** ":"

**Insert:** "."

3. Page 9.

**Strike:** line 30

4. Page 10.

**Strike:** line 1

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Everett, Facey, Malcolm, Sinrud.

Total 4

**HB 782** - Representative McNutt moved **HB 782**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

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**HB 173** - Representative Heinert moved **HB 173** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: McAlpin, Sales.

Total 2

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**HB 204** - Representative Witt moved **HB 204** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Koopman, McGillvray, Wagman.

Total 3

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 757** - Representative L. Jones moved **HB 757** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

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Noes: Balyeat, McGillvray, Mendenhall, Sales.  
Total 4

Voted Absentee: Balyeat, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Noennig moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Everett, Hawk, Koopman, Maedje, McGillvray, Mendenhall, B. Olson, Sales, Sinrud, Wells.  
Total 10

Excused: Balyeat.  
Total 1

Absent or not voting: Butcher, Golie, L. Jones, Klock, Milburn, Ripley.  
Total 6

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Tuesday, March 29, 2005. Motion carried.

House adjourned at 4:23 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
March 29, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Alan Olson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages: Jenna Bolstad, Homestead; Kendra Dean, Bozeman; Katie Deyerle, East Helena; Brandy McLendon, Bozeman; Ava Shearer, Billings; Amy Stiffarm, Harlem; and Beth Wurm, Fairmont.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 10:45 a.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 716 from the House Appropriations Committee and place on 2nd Reading on March 29, 2005.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 3/29/2005  
Correctly printed: **HB 173, HB 204, HB 288, HB 336, HB 374, HB 395, HB 435, HB 438, HB 440, HB 482, HB 584, HB 614, HB 667, HB 687, HB 695, HB 698, HB 707, HB 716, HB 740, HB 757, HB 772, HB 790, HB 796.**  
Correctly engrossed: **HB 35, HB 76, HB 235, HB 277, HB 423, HB 769, HB 782.**  
Correctly enrolled: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**  
Signed by the Chief Clerk of the House at 10:30 a.m., March 24, 2005: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 174, HB 191, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 283, HB 306, HB 318, HB 321, HB 371, HB 452, HB 481, HB 556, HB 567, HB 631, HB 638, HB 653, HB 660, HB 709, HJR 5, HJR 16.**  
Signed by the Speaker at 4:00 p.m., March 24, 2005: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 174, HB 191, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 283, HB 306, HB 318, HB 321, HB 371, HB 452, HB 481, HB 556, HB 567, HB 631, HB 638, HB 653, HB 660, HB 709, HJR 5, HJR 16.**  
Signed by the Chief Clerk of the House at 10:00 a.m., March 24, 2005: **HB 162, HB 196, HB 281, HB 409, HB 427, HB 478, HB 607, HB 702.**  
Signed by the Speaker at 4:00 p.m., March 24, 2005: **HB 162, HB 196, HB 281, HB 409, HB 427, HB 478, HB 607, HB 702.**

**APPROPRIATIONS** (Buzzas, Chairman): 3/29/2005  
**HB 584**, do pass. Report adopted.  
**HB 716**, without recommendation. Report adopted.

**HB 769**, introduced bill, be amended as follows:

1. Page 1, line 17.  
**Strike: "and"**

2. Page 1, line 27.

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**Following:** "Montana"

**Insert:** "; and

(g) two members, one from each political party and one from each house of the legislature, from the economic affairs interim committee established in 5-5-223, selected by the presiding officer of the economic affairs interim committee with the concurrence of the vice presiding officer"

3. Page 2.

**Following:** line 9

**Insert:** "(f) provide oversight for the department of transportation's rail planning activities pursuant to Title 60, chapter 11, part 1;"

**Renumber:** subsequent subsections

4. Page 2, line 23.

**Strike:** "\$50,000 from the general fund"

**Insert:** "up to \$30,000 from federal funds received for the local rail freight assistance program"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/29/2005

**SB 219**, introduced by Brueggeman

**SB 249**, introduced by Cobb

**SB 276**, introduced by Bales

**SB 287**, introduced by Schmidt

**SB 303**, introduced by Ellingson

**SB 323**, introduced by Black

**SB 406**, introduced by Shockley

**SB 491**, introduced by Gallus

**SB 504**, introduced by Laible

**Senate joint resolution** passed and transmitted to the House for concurrence:

3/29/2005

**SJR 29**, introduced by Laslovich

**House amendments to Senate bills** concurred in:

3/29/2005

**SB 105**, introduced by Cobb

**SB 317**, introduced by Lind

**SB 326**, introduced by Laslovich

**House bills** concurred in and returned to the House:

3/29/2005

**HB 16**, introduced by Ripley

**HB 34**, introduced by McNutt

**HB 212**, introduced by Sesso

**HB 257**, introduced by Branae

**HB 270**, introduced by Lindeen

**HB 271**, introduced by Lindeen

**HB 507**, introduced by L. Jones

**HB 555**, introduced by Caferro

**HB 559**, introduced by Lake

**HB 581**, introduced by Gutsche

**HB 636**, introduced by Stahl

**HB 743**, introduced by Harris

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

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3/29/2005

**HB 49**, introduced by Wilson  
**HB 307**, introduced by Parker  
**HB 349**, introduced by A. Olson  
**HB 574**, introduced by Branae  
**HB 615**, introduced by Harris  
**HB 652**, introduced by Cohenour  
**HB 696**, introduced by Jayne

MESSAGES FROM THE GOVERNOR

March 15, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 21** sponsored by Representative Gallik, **House Bill 27** sponsored by Representative Noennig, **House Bill 29** sponsored by Representative Golie, **House Bill 37** sponsored by Representative Lambert, **House Bill 66** sponsored by Representative Jent, **House Bill 108** sponsored by Representative Furey, and **House Bill 118** sponsored by Representative McNutt on March 15, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 17, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 77** sponsored by Representative B. Olson on March 17, 2005.

Please be informed that I have signed **House Bill 43** sponsored by Representative Musgrove, **House Bill 78** sponsored by Representative Harris, **House Bill 80** sponsored by Representative Campbell, **House Bill 87** sponsored by Representative Ward, **House Bill 90** sponsored by Representative Kaufmann, **House Bill 101** sponsored by Representative Villa, **House Bill 107** sponsored by Representative Jent, **House Bill 126** sponsored by Representative Mendenhall, **House Bill 127** sponsored by Representative Mendenhall, **House Bill 128** sponsored by Representative Jent, **House Bill 168** sponsored by Representative Becker, **House Bill 171** sponsored by Representative Cohenour, **House Bill 175** sponsored by Representative Cohenour, **House Bill 185** sponsored by Representative Harris, **House Bill 190** sponsored by Representative Becker, **House Bill 195** sponsored by Representative Matthews, **House Bill 205** sponsored by Representative Parker, **House Bill 226** sponsored by Representative McAlpin, **House Bill 274** sponsored by Representative Peterson, **House Bill 300** sponsored by Representative Gallik, and **House Bill 381** sponsored by Representative Callahan on March 18, 2005.

Sincerely,

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BRIAN SCHWEITZER  
Governor

March 24, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 14** sponsored by Representative Golie, **House Bill 20** sponsored by Representative Dickenson, **House Bill 24** sponsored by Representative Golie, **House Bill 25** sponsored by Representative Roberts, **House Bill 26** sponsored by Representative Golie, **House Bill 39** sponsored by Representative Gutsche, **House Bill 50** sponsored by Representative Roberts, **House Bill 54** sponsored by Representative Small-Eastman, **House Bill 56** sponsored by Representative Warden, **House Bill 64** sponsored by Representative R. Brown, **House Bill 79** sponsored by Representative Golie, **House Bill 81** sponsored by Representative Ross et al., **House Bill 82** sponsored by Representative Ross et al., **House Bill 86** sponsored by Representative Kaufmann, **House Bill 97** sponsored by Representative Lange et al., **House Bill 110** sponsored by Representative Furey, **House Bill 112** sponsored by Representative Musgrove, **House Bill 114** sponsored by Representative Witt, **House Bill 116** sponsored by Representative Barrett, **House Bill 131** sponsored by Representative Clark, **House Bill 138** sponsored by Representative Roberts, **House Bill 139** sponsored by Representative Gallik, **House Bill 144** sponsored by Representative Kaufmann, **House Bill 147** sponsored by Representative Clark, **House Bill 154** sponsored by Representative Jacobson, **House Bill 155** sponsored by Representative Barrett, **House Bill 157** sponsored by Representative McKenney, **House Bill 158** sponsored by Representative McKenney, **House Bill 160** sponsored by Representative Jacobson, **House Bill 161** sponsored by Representative McNutt, **House Bill 178** sponsored by Representative Taylor, **House Bill 180** sponsored by Representative Lake, **House Bill 183** sponsored by Representative Franklin, **House Bill 184** sponsored by Representative McAlpin, **House Bill 187** sponsored by Representative Bergren, **House Bill 198** sponsored by Representative Villa, **House Bill 207** sponsored by Representative McKenney, **House Bill 209** sponsored by Representative McKenney, **House Bill 215** sponsored by Representative Caferro, **House Bill 224** sponsored by Representative Ross, **House Bill 242** sponsored by Representative Lambert, **House Bill 255** sponsored by Representative Roberts, **House Bill 273** sponsored by Representative Lambert, **House Bill 285** sponsored by Representative Taylor, **House Bill 298** sponsored by Representative Clark, **House Bill 308** sponsored by Representative Malcolm, **House Bill 312** sponsored by Representative Golie, **House Bill 313** sponsored by Representative Sesso, **House Bill 347** sponsored by Representative Gutsche, **House Bill 350** sponsored by Representative Butcher et al., **House Bill 354** sponsored by Representative Noennig, **House Bill 397** sponsored by Representative Jackson, **House Bill 400** sponsored by Representative Keane, **House Bill 401** sponsored by Representative Keane, **House Bill 437** sponsored by Representative Caferro, **House Bill 439** sponsored by Representative Wiseman, **House Bill 508** sponsored by Representative Hendrick, **House Bill 557** sponsored by Representative Butcher, **House Bill 564** sponsored by Representative Witt, **House Bill 598** sponsored by Representative Gallik, **House Bill 609** sponsored by Representative Taylor et al., and **House Bill 612** sponsored by Representative Maedje on March 24, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 29, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jon Tester

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President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 266, "**AN ACT IMPLEMENTING THE NOXIOUS WEED MANAGEMENT TRUST FUND CONSTITUTIONAL AMENDMENT; AMENDING SECTIONS 60-3-201, 80-7-508, 80-7-801, 80-7-811, 80-7-814, AND 80-7-815, MCA; AND PROVIDING EFFECTIVE DATES**" for the following reasons.

House Bill 266 implements the constitutional amendment establishing the noxious weed management trust fund, passed by the voters in November of 2004. My proposed amendments make no substantive changes to the bill. Rather, the amendments accomplish two things. First, they clarify that interest or revenue generated by the trust fund must be expended only on noxious weed management projects, as provided in the voter-passed constitutional amendment. Second, they correct certain internal subsection references misnumbered in the drafting process.

I have discussed my proposed amendment with the sponsor of the bill, Representative Diane Rice, and with Nancy Peterson, Director of the Montana Department of Agriculture. Both individuals support the amendment. The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 266  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Page 4, line 20.

**Strike:** "Except as provided in this subsection (2)(c), interest"

**Insert:** "Interest"

2. Page 4, line 22 through line 23.

**Following:** "projects" on line 22

**Strike:** remainder of line 22 through "expended" on line 23

3. Page 5, line 7.

**Strike:** "(3)"

**Insert:** "(4)"

4. Page 5, line 26.

**Strike:** "and"

**Strike:** "(4)"

**Insert:** "through (5)"

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 40**, introduced by Harris, Clark, Sinrud, Roberts, Wells, Windham, Wiseman, Becker, D. Brown, R. Brown, Buzzas, Driscoll, Facey, Furey, Gallik, Gutsche, Hamilton, Keane, Lenhart, Maedje, Sesso, Ward, Warden, Windy Boy, Koopman, Noonan, referred to Federal Relations, Energy, and Telecommunications.



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The following Senate bills were introduced, read first time, and referred to committees:

**SB 219**, introduced by Brueggeman, Bixby, Buzzas, Cocchiarella, Eaton, Facey, Furey, Gallus, Gillan, Hamilton, Henry, Juneau, Kitzenberg, Laslovich, Lindeen, Raser, Small-Eastman, Squires, Tester, Villa, Windham, Wiseman, referred to Taxation.

**SB 249**, introduced by Cobb, referred to Human Services.

**SB 276**, introduced by Bales, referred to Taxation.

**SB 287**, introduced by Schmidt, Arntzen, Barkus, Becker, Bergren, Black, Branae, Cobb, Cocchiarella, Dickenson, Dowell, Esp, Franklin, Gallik, Gallus, Galvin-Halcro, Gebhardt, Gillan, Golie, Grimes, Hamilton, Henry, Jent, Kaufmann, Keane, Kitzenberg, Laible, Lenhart, Lind, Mangan, Moss, Parker, Pease, Raser, Roush, Ryan, Shockley, Small-Eastman, Smith, Story, Tash, Tester, Toole, Tropila, Wanzenried, Weinberg, Williams, Wilson, Windy Boy, Wiseman, Witt, referred to Human Services.

**SB 303**, introduced by Ellingson, referred to Taxation.

**SB 323**, introduced by Black, referred to Taxation.

**SB 406**, introduced by Shockley, referred to Judiciary.

**SB 491**, introduced by Gallus, Groesbeck, Larson, A. Olson, referred to State Administration.

**SB 504**, introduced by Laible, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 29**, introduced by Laslovich, referred to State Administration.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 6** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Driscoll, Koopman.

Total 2

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**HB 7** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman,

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Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Koopman, Morgan, Taylor.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Furey, Hendrick, Sesso.  
Total 3

**HB 35** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Klock, Lake, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 76** passed as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 89** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro,

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Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 85

Noes: Balyeat, Bixby, Buzzas, Clark, Gutsche, Jackson, W. Jones, Juneau, Koopman, McGillvray, Sales, Wagman, Warden, Wiseman.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 99** passed as follows:

Ayes: Andersen, Arntzen, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 85

Noes: Balyeat, Barrett, Bergren, Bixby, Caferro, Campbell, Jayne, Juneau, Kaufmann, Klock, Koopman, Maedje, Rice, Witt.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 140** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 85

Noes: R. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, Lambert, Mendenhall, Rice, Ross, Sales, Sinrud, Wagman, Witt.  
Total 14

Excused: None.  
Total 0

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Absent or not voting: Furey.  
Total 1

**HB 173** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Bixby, Everett, Koopman, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 204** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: W. Jones, McGillvray, Windham.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 235** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Caferro, Clark, Cohenour, Dowell, Facey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 72

Noes: Balyeat, Branae, Buzzas, Callahan, Campbell, Dickenson, Driscoll, Eaton, Everett, Franklin,

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Galvin-Halcro, Golie, Hawk, Jacobson, Jayne, Juneau, Keane, Klock, Lake, Lindeen, McNutt, Raser, Ripley, Ross, Sesso, Small-Eastman, Witt.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 249** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, Morgan, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 264** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Balyeat, Barrett, D. Brown, Everett, Glaser, Hawk, Heinert, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells, Witt.  
Total 31

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 277** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, Butcher, Caferro, Callahan, Clark, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Harris, Heinert, Jackson, L. Jones, Jopek, Kaufmann, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, A. Olson, Parker, Peterson, Rice, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson,

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Wiseman, Witt, Mr. Speaker.  
Total 50

Noes: Barrett, Bixby, D. Brown, R. Brown, Buzzas, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Gallik, Grinde, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Juneau, Keane, Koopman, Lake, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, B. Olson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Waitschies, Wells, Windham, Windy Boy.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 288** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Jayne, Koopman, B. Olson, Sales, Sinrud.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 326** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Bergren, Buzzas, Caferro, Everett, Hawk, Kaufmann, Koopman, Sales.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

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**HB 336** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Eaton, Everett, Golie, Jackson, Koopman, Mendenhall, Rice, Ripley, Sales, Wells.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 379** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Balyeat, R. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Mendenhall, Morgan, Ripley, Sinrud, Wells, Witt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 395** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Balyeat, D. Brown, Dickenson, Everett, Franklin, Gallik, Hawk, Hiner, Jayne, Koopman, Lake, Rice, Ross, Sales, Sinrud, Sonju, Wells.  
Total 17

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Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 423** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Butcher, Caferro, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.  
Total 57

Noes: Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Everett, Gallik, Golie, Grinde, Hawk, Heinert, Himmelberger, Jackson, Jacobson, Jayne, W. Jones, Kaufmann, Koopman, Lake, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Raser, Rice, Ripley, Ross, Sales, Sinrud, Small-Eastman, Villa, Wanzenried, Wells, Windham, Mr. Speaker.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 435** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 438** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94



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Noes: Koopman, Malcolm, Mendenhall, Sales, Ward.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 440** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Clark, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Taylor, Wagman, Ward, Wells, Witt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 482** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: D. Brown, Everett, Hawk, W. Jones, Koopman, McGillvray, Morgan, B. Olson, Sinrud, Stahl, Waitschies, Warden, Wells.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 484** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau,

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Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Keane, Koopman, Maedje, Noonan.

Total 4

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**HB 512** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Koopman, McGillvray, Sales, Sinrud, Sonju, Villa.

Total 7

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**HB 531** passed as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.

Total 42

Excused: None.

Total 0

Absent or not voting: Furey, Lake, Warden.

Total 3

**HB 540** passed as follows:

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Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Jackson, Lake, MacLaren, Malcolm, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Campbell, Furey.  
Total 2

**HB 552** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 643** passed as follows:

Ayes: Balyeat, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 58

Noes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wells, Witt, Mr. Speaker.  
Total 41

Excused: None.  
Total 0

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Absent or not voting: Furey.  
Total 1

**HB 667** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, Lake, Lambert, Morgan, Ripley, Ross, Sales, Stahl, Stoker, Waitschies, Ward, Wells.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 687** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hamilton, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt.  
Total 65

Noes: Barrett, Becker, Bergren, Bixby, R. Brown, Campbell, Driscoll, Everett, Golie, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lindeen, Maedje, McGillvray, A. Olson, B. Olson, Rice, Sales, Small-Eastman, Wagman, Windy Boy, Mr. Speaker.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 695** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 72

Noes: Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Sales, Stahl,

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Wagman, Waitschies, Wells, Witt.  
Total 27

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 704** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, Everett, Hawk, Koopman, Lake, Ross, Sales, Sinrud, Wagman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 707** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Barrett, Hendrick, Jayne, Malcolm, Milburn.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 740** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan,

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Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, D. Brown, Koopman, Lake, Malcolm, McAlpin, McGillvray, Mendenhall, Sales, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**HB 742** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 67

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Gallik, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lange, MacLaren, McGillvray, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Wells, Windham, Witt.

Total 32

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**HB 745** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**HB 748** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 749** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Bergren, D. Brown, Everett, Harris, Koopman, McGillvray, Mendenhall, Sales, Sinrud.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 757** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Himmelberger, Koopman, Lake, McGillvray, Sales, Villa.  
Total 6

Excused: None.  
Total 0

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Absent or not voting: Furey.  
Total 1

**HB 772** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 782** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 790** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95



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Noes: Balyeat, R. Brown, Hawk, Ward.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**HB 796** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 58

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 41

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kaufmann in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 713** - Representative Franklin moved **HB 713** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 62

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Warden, Wells.  
Total 38

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 374** - Representative Harris moved **HB 374** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, D. Brown, Caferro, Everett, Heinert, Jackson, Jayne, L. Jones, Kaufmann, Klock, Koopman, Lambert, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wells, Windy Boy, Witt.  
Total 27

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 698** - Representative Lange moved **HB 698** do pass.

**HB 698** - Representative Lange moved **HB 698**, second reading copy, be amended as follows:

1. Page 1, line 15.

**Following:** "in"

**Strike:** "an"

**Insert:** "the"

**Following:** "amount"

**Strike:** "not less than"

**Insert:** "of"

2. Page 1, line 21.

**Following:** "must be"

**Strike:** "asked"

**Insert:** "provided an opportunity"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: B. Olson.  
Total 1

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Excused: Furey.  
Total 1

Absent or not voting: None.  
Total 0

**HB 698** - Representative Lange moved **HB 698**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Callahan, Eaton, Golie, B. Olson.  
Total 5

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Butcher.  
Total 1

**HB 614** - Representative Harris moved **HB 614** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Sesso, Sonju, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 57

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 42

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Branae.  
Total 1

**HB 791** - Representative Juneau moved **HB 791** do pass.

**HB 791** - Representative B. Olson moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Gallik, Glaser, Golie, Grinde, Groesbeck,

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Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Buzzas, Caferro, Dickenson, Franklin, Galvin-Halcro, Gutsche, Henry, Jayne, Juneau, Kaufmann, Ripley, Stahl, Stoker, Wilson.

Total 14

Excused: Furey.

Total 1

Absent or not voting: Becker, Dowell.

Total 2

**HB 791** - Representative Juneau moved **HB 791** do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 393** - Representative Mendenhall moved **HB 393** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Cohenour, Everett, Hamilton, Hawk, Heinert, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham.

Total 46

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hendrick, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 54

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 535** - Representative L. Jones moved **HB 535** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Gallik, Harris, Henry, Kaufmann, Koopman.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 689** - Representative Arntzen moved **HB 689** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 720** - Representative Sinrud moved **HB 720** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 59

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, McAlpin, Musgrove, Noonan, Parker,

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Small-Eastman, Villa, Wanzenried, Windy Boy, Wiseman.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted.

Representative Mendenhall made a **substitute motion** that **HB 393** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Jackson.  
Total 1

**MOTIONS**

Rep. Mendenhall moved that HB 393 be taken from 2nd Reading and placed on 2nd Reading today. This requires a majority vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 48

Excused: None.

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Total 0

Absent or not voting: Jackson.

Total 1

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:55 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Kaufmann in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 716** - Representative R. Brown moved consideration of **HB 716** be placed at the top of the second reading board. Motion carried.

Rep. Bergren assumed the Chair.

**HB 716** - Representative MacLaren moved **HB 716** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 55

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Kaufmann assumed the Chair.

**HB 584** - Representative Harris moved **HB 584** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 70

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Himmelberger, L. Jones, W. Jones,

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Kaufmann, Klock, Koopman, Lake, Lange, Malcolm, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Ripley, Sales, Stahl, Stoker, Taylor, Waitschies, Ward, Wells.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 769** - Representative Golie moved **HB 769** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: Balyeat, R. Brown, Everett, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Sales, Stahl, Stoker, Ward, Warden.

Total 14

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 393** - Representative Mendenhall moved **HB 393** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 50

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher,



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Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Everett, Hawk, Hendrick, Koopman, Malcolm, McGillvray, McNutt, Mendenhall, Ripley, Sales, Sinrud, Sonju, Ward, Wells.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Hamilton, Juneau.  
Total 2

**MOTIONS**

Rep. Arntzen moved HB 124 be withdrawn from the Appropriations Committee printed and placed on 2nd Reading. This requires a 3/5 vote.

Rep. Facey moved to table Rep. Arntzen's motion. Motion passed as follows:

Ayes: Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Glaser, Gutsche, Harris, Hawk, Henry, Himmelberger, Hiner, Jackson, Jent, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Morgan, Musgrove, Parker, Raser, Rice, Roberts, Ross, Sales, Sesso, Sonju, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Barrett, Becker, Bixby, Caferro, Campbell, Clark, Cohenour, Eaton, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Lambert, Lange, Maedje, McAlpin, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Peterson, Ripley, Sinrud, Stoker, Warden, Windham.  
Total 40

Excused: None.  
Total 0

Absent or not voting: Balyeat, Koopman, Small-Eastman, Stahl, Taylor.  
Total 5

Dem. Floor Leader Parker moved HB 801 be re-referred from State Administration Committee to House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved the House reconsider its action on HB 752 on Thursday, March 24, 2005, and place HB 752 on 3rd Reading.

Rep. Sinrud moved to table Rep. Parker's motion. Motion **failed** as follows:

Ayes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

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Total 41

Noes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: Buzzas, B. Olson.

Total 2

Rep. Parker's motion to reconsider action on HB 752 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 60

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 752 will be placed on 3rd Reading.

Rep. Noonan moved HB 761 be withdrawn from the State Administration Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Malcolm, McKenney, Mendenhall, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Witt.

Total 33

Excused: None.

Total 0

Absent or not voting: B. Olson.

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Total 1

Rep. Butcher moved to suspend the House rules for the late drafting and introduction of a joint resolution.  
Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, R. Brown, Butcher, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 42

Noes: Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, March 30, 2005. Motion carried.

House adjourned at 3:31 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
March 30, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Small-Eastman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Sharon Odden, Vice President for programs at Easter Seals-Goodwill in Great Falls, presented Rep. Dickenson with an award for her tireless work for people with disabilities.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:00 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

3/30/2005

Correctly printed: **HB 374, HB 535, HB 584, HB 614, HB 689, HB 713, HB 716, HB 720, HB 761, HB 769.**

Correctly engrossed: **HB 698.**

Examined by the sponsor and found to be correct: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Signed by the Chief Clerk of the House at 4:15 p.m., March 29, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Signed by the Speaker at 10:15 a.m., March 30, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Signed by the President at 12:30 p.m., March 30, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Delivered to the Governor for approval at 1:30 p.m., March 30, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743.**

Delivered to the Secretary of State at 12:36 p.m., March 29, 2005: **HJR 5, HJR 16.**

Signed by the President at 11:30 a.m., March 29, 2005: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 162, HB 174, HB 191, HB 196, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 281, HB 283, HB 306, HB 318, HB 321, HB 371, HB 409, HB 427, HB 452, HB 478, HB 481, HB 556, HB 567, HB 607, HB 631, HB 638, HB 653, HB 660, HB 702, HB 709, HJR 5, HJR 16.**

Delivered to the Governor for approval at 1:00 p.m., March 29, 2005: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 162, HB 174, HB 191, HB 196, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 281, HB 283, HB 306, HB 318, HB 321, HB 371, HB 409, HB 427, HB 452, HB 478, HB 481, HB 556, HB 567, HB 607, HB 631, HB 638, HB 653, HB 660, HB 702, HB 709.**

Delivered to the Secretary of State at 1:53 p.m., March 30, 2005: **HJR 30.**

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

3/30/2005

**HB 214**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Strike:** "500"

**Insert:** "300"

And, as amended, do pass. Report adopted.

**HB 305**, do pass. Report adopted.

**SB 76**, be concurred in. Report adopted.

**SB 186**, be amended as follows:

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1. Page 1, line 16.

**Strike:** "substantial value prize"

**Insert:** "certificate or award"

And, as amended, be concurred in. Report adopted.

**SB 221**, be concurred in. Report adopted.

**SB 339**, be amended as follows:

1. Title, line 4.

**Following:** "ISSUANCE OF"

**Insert:** "A FREE RESIDENT WILDLIFE CONSERVATION LICENSE OR"

2. Title, line 5.

**Strike:** "HALF-PRICE"

**Insert:** "REDUCED-RATE"

3. Title, line 12.

**Strike:** "HALF-PRICE"

**Insert:** "FREE OR REDUCED-RATE"

4. Title, line 13.

**Following:** "SECTIONS"

**Insert:** "87-2-202,"

5. Title, line 14.

**Following:** "87-2-711;"

**Insert:** ", "

6. Page 3, line 7.

**Insert:** "Section 1. Section 87-2-202, MCA, is amended to read:

**"87-2-202. Application -- fee -- expiration.** (1) ★ Except as provided in 87-2-803(11), a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(11). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$6.25, of which 25 cents is a search and rescue surcharge.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$9.25, of which 25 cents is a search and rescue surcharge.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced

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hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Subsections (3)(c) and (3)(d) terminate March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

**Renumber:** subsequent sections

7. Page 3, line 16.

**Strike:** "HALF-PRICE"

8. Page 3, line 17.

**Following:** "license"

**Insert:** "for \$25"

9. Page 3, line 21 through line 23.

**Following:** "87-2-202(3)(c)" on line 21

**Strike:** remainder of line 21 through "87-2-803(11)" on line 23

10. Page 4, line 2.

**Strike:** "HALF-PRICE"

**Following:** "license"

**Insert:** "for \$25"

11. Page 4, line 5 through line 6.

**Following:** "\$64" on line 5

**Strike:** remainder of line 5 through "87-2-803(11)" on line 6

12. Page 6, line 11.

**Strike:** "HALF-PRICE"

**Insert:** "free resident wildlife conservation license or a"

**Following:** "sports license"

**Insert:** "for \$25"

13. Page 6, line 12.

**Strike:** "EXCEPT"

**Insert:** "which may not include"

14. Page 6, line 17.

**Strike:** "HALF-PRICE"

**Insert:** "free resident wildlife conservation license or a \$25"

15. Page 6, line 20.

**Strike:** "HALF-PRICE"

**Insert:** "free resident wildlife conservation license or reduced-rate"

And, as amended, be concurred in. Report adopted.

**SB 410**, be concurred in. Report adopted.

**SB 503**, be amended as follows:

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1. Title, line 7.

**Following:** "SEASON;"

**Strike:** "AND"

2. Title, line 8.

**Following:** "MCA"

**Insert:** "; AND PROVIDING A CONTINGENT EFFECTIVE DATE"

3. Page 1, line 13.

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective when the fish, wildlife, and parks commission adopts and publishes administrative rules restricting weapons use to archery, crossbows, shotguns, muzzleloaders, and traditional handguns in the Teton-Spring Creek bird preserve as defined in ARM 12.9.211."

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

3/30/2005

**SB 88**, be concurred in. Report adopted.

**SB 140**, be concurred in. Report adopted.

**SB 191**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "THE"

**Insert:** "INSURANCE"

**Strike:** "OF " through "SECURITIES"

2. Page 1, line 17.

**Following:** "~~auditor~~"

**Insert:** "insurance"

**Strike:** "of" through "SECURITIES"

3. Page 1, line 30.

**Following:** "~~auditor~~"

**Strike:** "insurance"

4. Page 1, line 30 through page 2, line 1.

**Strike:** "of" on page 1, line 30 through "SECURITIES" on page 2, line 1

5. Page 2, line 9.

**Following:** "~~auditor~~"

**Insert:** "insurance"

**Strike:** "of" through "SECURITIES"

6. Page 2, line 17.

**Following:** "~~auditor~~"

**Insert:** "insurance"

7. Page 2, line 17 through line 18.

**Strike:** "of" on line 17 through "SECURITIES" on line 18

8. Page 3, line 8.

**Following:** "~~auditor~~"

**Insert:** "insurance"

9. Page 3, line 8 through line 9.

**Strike:** "of" on line 8 through "SECURITIES" on line 9

10. Page 3, line 18.

**Following:** "~~auditor~~"

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**Insert:** "insurance"

11. Page 3, line 18 through line 19.

**Strike:** "of" on line 18 through "SECURITIES" on line 19

12. Page 3, line 27.

**Following:** "~~auditor~~"

**Insert:** "insurance"

13. Page 3, line 27 through line 28.

**Strike:** "of" on line 27 through "SECURITIES" on line 28

14. Page 4, line 4.

**Following:** "~~auditor~~"

**Insert:** "insurance"

15. Page 4, line 5.

**Strike:** "of" through "SECURITIES"

16. Page 4, line 13.

**Following:** "to the"

**Insert:** "insurance"

17. Page 4, line 13 through line 14.

**Strike:** "of" on line 13 through "SECURITIES" on line 14

18. Page 4, line 15.

**Following:** "to the"

**Insert:** "insurance"

19. Page 4, line 15 through line 16.

**Strike:** "of" on line 15 through "SECURITIES" on line 16

And, as amended, be concurred in. Report adopted.

**SB 302**, be concurred in. Report adopted.

**SB 347**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 384**, be concurred in. Report adopted.

**SB 500**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/30/2005

**SB 110**, introduced by Cobb

**SB 133**, introduced by Mangan

**SB 319**, introduced by Ellingson

**SB 358**, introduced by Keenan

**SB 428**, introduced by Stapleton

**SB 501**, introduced by McGee

**SB 507**, introduced by Brueggeman

**Senate joint resolution** passed and transmitted to the House for concurrence:

3/30/2005

**SJR 30**, introduced by Weinberg

**House amendments to Senate bill** concurred in:

3/30/2005



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**SB 152**, introduced by D. Ryan

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/30/2005

**HB 236**, introduced by Jackson

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 110**, introduced by Cobb, referred to Business and Labor.

**SB 133**, introduced by Mangan, referred to Business and Labor.

**SB 319**, introduced by Ellingson, referred to State Administration.

**SB 358**, introduced by Keenan, referred to Human Services.

**SB 428**, introduced by Stapleton, referred to Federal Relations, Energy, and Telecommunications.

**SB 501**, introduced by McGee, referred to Taxation.

**SB 507**, introduced by Brueggeman, Hendrick, Jopek, referred to Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 30**, introduced by Weinberg, Cobb, Jayne, Kaufmann, Lind, Morgan, referred to Human Services.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 374** passed as follows:

Ayes: Andersen, Arntzen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 71

Noes: Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Everett, Heinert, Jackson, Jayne, L. Jones, Juneau, Kaufmann, Klock, Koopman, Lambert, Malcolm, McKenney, Mendenhall, Milburn, A. Olson, Rice, Sales, Sinrud, Sonju, Ward, Wells, Windy Boy, Witt.  
Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 535** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells,

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Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Bixby, Buzzas, Caferro, Gallik, Gutsche, Harris, Henry, Kaufmann, Koopman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 584** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Caferro, Everett, Hawk, Himmelberger, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Stoker, Taylor, Waitschies, Ward, Wells.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 614** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Sesso, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 689** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Everett, Koopman.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 698** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bixby, Caferro, Gutsche, Juneau, B. Olson, Small-Eastman.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 713** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 68

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 716** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Callahan, Clark, Driscoll, Eaton, Everett, Facey, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.  
Total 67

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Parker, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.  
Total 33

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 720** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Facey, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 64

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Parker, Small-Eastman, Villa, Wilson, Windy Boy, Wiseman.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 752 failed** (due to 2/3 vote requirement) as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Rice, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 56

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 769** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, Mendenhall, Ross, Stahl, Stoker, Ward, Warden.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Heinert in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 761** - Representative Noonan moved **HB 761** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Balyeat, Everett, Koopman, Malcolm, Sales, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 410** - Representative Facey moved **HB 410** do pass.

**HB 410** - Representative Facey moved **HB 410**, second reading copy, be amended as follows:

1. Page 12, line 12.

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**Insert:** "NEW SECTION. Section 10. Performance of assessment and taxation. It is the intent of the legislature that the assessment and taxation of property required under [section 1] be conducted with existing employees and within existing levels of funding."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Everett, Klock.

Total 2

**HB 410** - Representative Facey moved **HB 410**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 67

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lambert, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Wagman, Wells, Witt.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 569** - Representative McNutt moved **HB 569** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

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Noes: D. Brown, Jayne, Jopek, Juneau.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 771** - Representative Bergren moved **HB 771** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Buzzas, Everett, Franklin, Gallik, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Windham, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 375** - Representative Parker moved consideration of **SB 375** be placed below **SB 81** on the second reading board. Motion carried.

**SB 39** - Representative Golie moved **SB 39** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Balyeat, Everett, Koopman, Noennig, Ripley, Stoker.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Roberts.  
Total 1

**SB 81** - Representative Andersen moved **SB 81** be concurred in.

**SB 81** - Representative D. Brown moved **SB 81**, second reading copy, be amended as follows:

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1. Page 1, line 14.

**Strike:** "10"

**Insert:** "20"

Amendment adopted as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Himmelberger, Hiner, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Noonan, Parker, Raser, Rice, Ripley, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Wagman, Wanzenried, Ward, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Eaton, Franklin, Galvin-Halcro, Glaser, Hamilton, Hawk, Heinert, Hendrick, Jackson, Jayne, Jent, Klock, Koopman, Lambert, Lange, Maedje, McKenney, McNutt, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Ross, Sinrud, Taylor, Villa, Waitschies, Warden, Wells, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 81** - Representative Andersen moved **SB 81**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375** - Representative Bergren moved **SB 375** be concurred in.

**SB 375** - Representative McKenney moved **SB 375**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 46



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Noes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375** - Representative Noennig moved **SB 375**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 46

Noes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375** - Representative Bergren moved **SB 375** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Waitschies, Warden, Wells, Witt, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Heinert moved the Committee of the Whole report be adopted. Report adopted

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as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, D. Brown, R. Brown, Everett, Hawk, Himmelberger, Klock, Koopman, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Wells.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Heinert, Musgrove.  
Total 2

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 774 from the House Taxation Committee and place on 2nd Reading on March 31, 2005.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Keane, Chairman):  
SB 183, be amended as follows:

3/30/2005

1. Page 3, line 22.  
**Strike:** "must"  
**Insert:** "is only required to"  
**Following:** "chapter"  
**Insert:** ", other than those requirements for the licensing of property managers,"

And, as amended, be concurred in. Report adopted.

SB 289, be concurred in. Report adopted.  
SB 349, be concurred in. Report adopted.  
SB 368, be concurred in. Report adopted.  
SB 434, be amended as follows:

1. Title, line 12.  
**Following:** "PROVIDING"  
**Insert:** "A DELAYED EFFECTIVE DATE AND"

2. Page 1, line 19.  
**Strike:** "viatical disclosure form,"

3. Page 2, line 1.  
**Strike:** "viatical disclosure form,"

4. Page 2, line 11.  
**Following:** "(b)"  
**Insert:** "(i)"

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5. Page 2, line 13.

**Following:** "purposes"

**Insert:** ", subject to subsection (2)(c).

(ii) The running of the 60-day period is tolled for a period commencing on the date that the commissioner notifies the insurer of problems or questions and requests additional information from the insurer concerning a form filed pursuant to subsection (1)(a) and ending on the date that the insurer submits its response to the commissioner.

(iii) For purposes of tolling the 60-day period as provided in subsection (2)(b)(ii), the commissioner's request notification may be made electronically"

6. Page 3, line 3 through line 4.

**Strike:** subsection (6) in its entirety

**Insert:** "(6) The insurer may request a hearing, as provided for in 33-1-701, for unresolved disputes regarding a disapproval or a withdrawal of approval."

7. Page 10, following line 15.

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective January 1, 2006."

**Renumber:** subsequent section

8. Page 10, line 18.

**Following:** "insurance"

**Insert:** "on or"

And, as amended, be concurred in. Report adopted.

**SB 443**, be amended as follows:

1. Title, line 5.

**Following:** "GUARD"

**Insert:** "AND MILITARY RESERVE"

2. Page 1, line 14.

**Following:** "guard"

**Insert:** "or the military reserves of the United States armed forces"

3. Page 2, line 9.

**Following:** "guard"

**Insert:** "or the military reserves of the United States armed forces"

And, as amended, be concurred in. Report adopted.

**HB 461**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "7"

**Insert:** "8"

2. Page 1, line 23.

**Following:** "with"

**Insert:** "and does not have a vested interest in"

3. Page 2, line 6.

**Strike:** "7"

**Insert:** "8"

4. Page 2, following line 7.

**Insert:** "(1) "Athlete" means a person who participates in an athletic activity that involves exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed, or stamina and which

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exercises, sports, or games are of the type conducted in association with an educational institution or a professional, amateur, or recreational sports club or organization."

**Renumber:** subsequent subsections

5. Page 2, line 8.

**Following:** "injury"

**Strike:** "sustained by a physically active individual"

**Insert:** "received by an athlete"

6. Page 2, line 9.

**Strike:** "for a fee"

7. Page 2, line 10.

**Strike:** "for a fee"

8. Page 2, line 11.

**Strike:** "rehabilitation"

**Insert:** "reconditioning"

**Strike:** "upon"

**Insert:** "under"

**Strike:** "referral, order, and"

**Insert:** "supervision or"

9. Page 2, lines 12 through 16.

**Following:** "20." on line 12

**Strike:** remainder of line 12 through line 16 in their entirety

**Insert:** "The term includes the following:

(a) the use of heat, light, sound, cold, electricity, exercise, reconditioning, or mechanical devices related to the care and conditioning of athletes;

(b) the organization and administration of athletic training programs and athletic facilities; and

(c) the education and counseling of the public on matters related to athletic training."

10. Page 2, line 19.

**Strike:** "7"

**Insert:** "8"

11. Page 2, line 22.

**Strike:** "7"

**Insert:** "8"

12. Page 2, line 23.

**Strike:** "7"

**Insert:** "8"

13. Page 3, line 13.

**Strike:** "Except as provided in subsection (4), a"

**Insert:** "A"

14. Page 3, line 20 through line 23.

**Strike:** subsection (4) in its entirety

15. Page 3, line 26.

**Strike:** "7"

**Insert:** "8"

16. Page 4, line 5.

**Strike:** "7"

**Insert:** "8"

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17. Page 4, lines 6 and 7.

**Strike:** "the abbreviations" on line 6 through "abbreviations" on line 7

**Insert:** "the abbreviation"

18. Page 4, line 17.

**Strike:** "'intern", "student", or "trainee"'

**Insert:** "'athletic training student'"

19. Page 4, line 21.

**Strike:** "'student athletic trainer'"

**Insert:** "'student assistant'"

20. Page 4, line 24.

**Following:** line 23

**Insert:** "NEW SECTION. Section 7. Application and administration of topical medications. (1) A licensed athletic trainer may apply or administer topical medications by:

(a) direct application;

(b) iontophoresis, a process by which topical medications are applied through the use of electricity; or

(c) phonophoresis, a process by which topical medications are applied through the use of ultrasound.

(2) A licensed athletic trainer may apply or administer the following topical medications:

(a) bactericidal agents;

(b) debriding agents;

(c) anesthetic agents;

(d) anti-inflammatory agents;

(e) antispasmodic agents; and

(f) adrenocorticosteroids.

(3) Topical medications applied or administered by a licensed athletic trainer must be prescribed on a specific or standing basis by a licensed medical practitioner authorized to order or prescribe topical medications and must be purchased from a pharmacy certified under 37-7-321. Topical medications dispensed under this section must comply with packaging and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.

(4) Appropriate recordkeeping is required of a licensed athletic trainer who applies or administers topical medications as authorized in this section."

**Renumber:** subsequent sections

21. Page 4, line 26.

**Strike:** "7"

**Insert:** "8"

22. Page 5, line 2.

**Strike:** "7"

**Insert:** "8"

23. Page 5, line 3.

**Strike:** "7"

**Insert:** "8"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

3/30/2005

**SB 18**, be concurred in. Report adopted.

**SB 114**, be amended as follows:

1. Title, page 1, line 9 through line 11.

**Strike:** "MAKING" on line 9 through "PRACTICES" on line 11

**Insert:** "CLARIFYING LANGUAGE RELATING TO INSURANCE OFFENSES"

2. Title, page 1, line 11.

**Following:** "33-2-104,"

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**Insert:** "AND"

3. Title, page 1, line 12.  
**Strike:** "AND 45-6-317,"

4. Page 1, line 17.  
**Following:** "fraud."  
**Insert:** "(1)"  
**Strike:** "act"  
**Insert:** "offense"

5. Page 1, line 18.  
**Strike:** "(1)"  
**Insert:** "(a)"  
**Renumber:** subsequent subsections

6. Page 2, line 6.  
**Insert:** "(2) A person who knowingly violates this section commits the offense of insurance fraud and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both."

7. Page 2, line 8.  
**Strike:** "Penalties"  
**Insert:** "Civil penalties"

8. Page 2, line 12 through line 13.  
**Strike:** subsection (2) in its entirety  
**Renumber:** subsequent subsection

9. Page 3, line 8 through line 12.  
**Strike:** subsection (7) in its entirety  
**Insert:** "(7) A person who knowingly misappropriates an insurance premium paid by or proceeds due an insured is guilty of a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both. The commissioner may refer a suspected offense to the attorney general or the appropriate county attorney."

10. Page 3, line 15.  
**Strike:** "Certificate of authority"  
**Insert:** "Authorization"

11. Page 3, line 15 through line 20.  
**Strike:** subsection (1) in its entirety  
**Insert:** "(1) A person may not act as an insurer and an insurer may not transact insurance in this state except as authorized in this code."

12. Page 3, line 24.  
**Strike:** "convicted of purposely or knowingly violating"  
**Insert:** "who knowingly violates"  
**Following:** "felony"  
**Insert:** "and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both, "

13. Page 4, line 8 through line 9.  
**Strike:** subsection (3) in its entirety  
**Insert:** "(3) A person who knowingly violates this section is guilty of a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both."

14. Page 4, line 13.  
**Strike:** the second "or"

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**Strike:** "purposely"

15. Page 4, line 18.

**Strike:** "Subject to 46-11-410, a"

**Insert:** "A"

16. Page 4, line 19.

**Strike:** the second "or"

**Strike:** "purposely"

17. Page 4, line 23 through line 25.

**Strike:** "theft" on line 23 through "person" on line 25

**Insert:** "a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both. Either a county attorney or the attorney general may prosecute the person."

18. Page 4, line 29 through page 5, line 22.

**Strike:** section 7 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 385**, be amended as follows:

1. Page 2, line 6.

**Strike:** "allegations"

**Insert:** "complaints"

2. Page 5, line 17.

**Following:** "2-15-210"

**Strike:** remainder of line 17 through "2-15-210(6)"

3. Page 7, line 21.

**Following:** "2-15-210"

**Strike:** remainder of line 21 through "2-15-210(6)"

And, as amended, be concurred in. Report adopted.

**SB 470**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

3/30/2005

**HB 528**, introduced bill be amended as follows:

1. Title, page 1, line 5.

**Following:** "AIRPORT;"

**Insert:** "IMPOSING AN ANNUAL FEE OF \$400 ON THE LESSEE OF A RETAIL BEER AND WINE LICENSE AT THE YELLOWSTONE AIRPORT;"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "16-4-304"

**Insert:** "AND 16-4-501"

2. Page 1, line 18.

**Strike:** "There" through "license"

**Insert:** "The lessee shall pay to the department of revenue an annual license fee as provided in 16-4-501"

3. Page 1.

**Following:** line 22

**Insert:** "**Section 2.** Section 16-4-501, MCA, is amended to read:

"**16-4-501. License and permit fees.** (1) Each beer licensee licensed to sell either beer or table wine only,

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or both beer and table wine, under the provisions of this code, shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

- (a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, \$500;
- (ii) for each storage depot, \$400;
- (b) (i) each beer wholesaler, \$400; each domestic winery producing more than 25,000 gallons of wine, \$400; each domestic winery producing 25,000 gallons or less of wine, \$200; each table wine distributor, \$400;
- (ii) for each subwarehouse, \$400;
- (c) each beer retailer, \$200;
- (d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license;
- (ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, \$200;
- (e) any unit of a nationally chartered veterans' organization, \$50.
- (2) The permit fee under 16-4-301(1) is computed at the following rate:
  - (a) \$10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and
  - (b) \$1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).
- (3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.
- (4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee in the sum of \$300.
- (5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license pursuant to 16-4-105, is \$200.
- (6) The annual renewal fee for:
  - (a) a brewer producing 20,000 or fewer barrels of beer, as defined in 16-1-406, is \$200; and
  - (b) resort retail all-beverages licenses within a given resort area is \$2,000 for each license.
- (7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:
  - (a) except as provided in this section, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;
  - (b) except as provided in this section, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;
  - (c) except as provided in this section, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;
  - (d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;
  - (e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.
  - (f) an applicant for the issuance of an original license to be located in areas described in subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. All licenses, however, are subject to the specified annual renewal fees.
- (8) The fee for one all-beverages license to a public airport is \$800. This license is nontransferable.
- (9) The annual fee for a retail beer and wine license to the Yellowstone airport is \$400.
- (10) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303



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is \$250.

~~(10)~~(11) The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.

~~(11)~~(12) In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3 % of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3 % of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100 % of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.

~~(12)~~(13) All license and permit fees collected under this section must be deposited as provided in 16-2-108."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 592**, introduced bill, be amended as follows:

1. Title, page 1, line 14.

**Following:** "PROVIDING"

**Insert:** "EFFECTIVE DATES AND"

2. Page 3, line 2.

**Strike:** "Interest"

**Insert:** "Except as provided in subsection (4)(a)(i), interest"

3. Page 3, line 4.

**Strike:** the first "rate"

**Insert:** "rates"

**Strike:** "The interest rate"

**Insert:** "Interest rates on taxes not paid when due"

4. Page 3, line 5 through line 7.

**Strike:** "is equal" on line 5 through "year" on line 7

**Insert:** "are as follows:

(i) If the taxpayer assesses and pays the interest owing on taxes not paid when due, the interest rate is equal to the underpayment rate for individual taxpayers established by the secretary of the United States department of the treasury pursuant to section 6621 of the Internal Revenue Code, 26 U.S.C. section 6621, for the fourth quarter of the preceding year or 8%, whichever is greater.

(ii) Except as provided in subsection (4)(a)(iii), when the department assesses the interest owing on taxes not paid when due, including delinquent taxes and deficiency assessments, the interest rate is 12 %.

(iii) When the department assesses the interest owing on taxes not paid when due under 15-30-103, including delinquent taxes and deficiency assessments, the interest rate is equal to the interest rate provided for under subsection (4)(a)(i)"

5. Page 27.

**Following:** line 30

**Insert:** "NEW SECTION. Section 39. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2005.

(2) [Section 2] is effective January 1, 2007."

**Renumber:** subsequent section

6. Page 28, line 2.

**Following:** "Applicability."

**Insert:** "(1) Except as provided in subsections (2) and (3), [this act] applies on and after July 1, 2005."

**Strike:** "(1) [This act]"

**Insert:** "(2) [Section 2]"

**Renumber:** subsequent subsection

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7. Page 28, line 3.

**Strike:** "2005"

**Insert:** "2006"

8. Page 28, line 4.

**Strike:** "[This act]"

**Insert:** "[Section 2]"

9. Page 28, line 5.

**Strike:** "2005"

**Insert:** "2006"

And, as amended, do pass. Report adopted.

**HB 639**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "TAXES"

**Insert:** "UNLESS APPROVED BY THE ELECTORATE IN A STATEWIDE ELECTION"

2. Page 1, line 15.

**Following:** "taxes"

**Insert:** "unless approved by the electorate in a statewide election"

3. Page 1, line 21.

**Following:** "taxes"

**Insert:** "unless approved by the electorate"

4. Page 1, line 23.

**Following:** "taxes"

**Insert:** "unless approved by the electorate"

And, as amended, do pass. Report adopted.

**HB 741**, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "PROVIDING" on line 9 through "REVENUE;" on line 10

2. Title, page 1, line 26.

**Following:** "PROGRAM;"

**Insert:** "ELIMINATING THE BLOCK GRANTS FOR SCHOOL DISTRICTS, COUNTYWIDE SCHOOL RETIREMENT, AND COUNTYWIDE SCHOOL TRANSPORTATION;"

**Following:** "APPROPRIATION"

**Insert:** "TO THE MONTANA UNIVERSITY SYSTEM"

3. Title, page 2, line 3.

**Following:** "15-36-331,"

**Insert:** "15-36-332,"

4. Title, page 2, line 6.

**Following:** "20-10-144,"

**Insert:** "20-10-146,"

5. Title, page 2, line 8.

**Strike:** "15-68-820,"

**Following:** "20-9-360,"

**Insert:** "20-9-630, 20-9-631, 20-9-632,"

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**Following:** "MCA"

**Strike:** ", AND" through "2001"

6. Page 12, line 23.

**Following:** "The sale"

**Insert:** "or use"

7. Page 14, line 30.

**Strike:** "retailer"

**Insert:** "seller"

8. Page 17, line 24.

**Following:** "transportation"

**Insert:** ";

(d) advertising services. For the purposes of this section, "advertising services" means the actual creation or development of advertising and includes but is not limited to all advertising by:

- (i) newspaper, magazine, or other publication;
- (ii) radio or television;
- (iii) billboard, banner, hand bill, placard, sign, or the like;
- (iv) any other advertising means, media, or method"

9. Page 19, line 15.

**Following:** "(2)"

**Insert:** "(a)"

**Following:** "use tax"

**Insert:** "at 50% of the applicable rate imposed under 15-68-102(1) or (3)"

10. Page 19.

**Following:** line 15

**Insert:** "(b) The reduced tax rate under subsection (2)(a) applies only to the initial sale or use in this state of a motor home."

11. Page 19, line 30.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

12. Page 20, line 5.

**Following:** "used"

**Insert:** "or consumed"

13. Page 20.

**Following:** line 8

**Insert:** "(3) The exemption of goods and services under this section does not apply to:

(a) tangible personal property and services used in a manner that is incidental to agriculture, forestry, fishing, or hunting operations;

(b) hand-held tools with a unit purchase price not in excess of \$100. For the purposes of this subsection (3)(b), hand-held tools are those tools described in 15-6-201(1)(r)(i).

(c) tangible personal property or services used in any activity other than agriculture, forestry, fishing, or hunting operations, including but not limited to:

- (i) office equipment and supplies;
- (ii) equipment and supplies used in selling or distributing activities;
- (iii) janitorial equipment, supplies, and services; and
- (iv) clothing;

(d) tangible personal property used to make repairs and the associated service costs. This subsection (3)(d) does not include repair parts that become a component part of tangible property that is exempt under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property that are exempt under this

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section and the associated service costs of the repairs.

(e) motor vehicles and aircraft that are otherwise subject to the sales tax or use tax under this chapter."

14. Page 21, line 20.

**Strike:** "other businesses --"

15. Page 21, line 21.

**Following:** "substances"

**Insert:** "-- ingredient or component parts -- exceptions"

**Strike:** "The"

**Insert:** Except as provided in subsection (4), the

16. Page 21, line 24.

**Following:** "and"

**Insert:** "directly"

**Following:** "uses"

**Insert:** "or consumes"

17. Page 22, line 11 through line 15.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) The sale or use of property that is incorporated as an ingredient or component part of a product is nontaxable if the purchaser has a nontaxable transaction certificate and the purchaser is engaged in and uses the property in mining or manufacturing. For the purposes of this subsection, electrical energy or electricity used or consumed by electrolytic reduction used in the reduction or refinement of ores is considered a component part of the product."

18. Page 22, line 16.

**Following:** "(3)"

**Insert:** "(a)"

19. Page 22.

**Following:** line 19

**Insert:** "(b) The sale or use of explosives, blasting material, or dynamite is subject to the sales tax and use tax.

(4) The nontaxability of goods and services under subsection (1) does not apply to:

(a) tangible personal property and services used in a manner that is incidental to construction, mining, manufacturing, rail transportation, electrical generation, or telecommunications operations;

(b) hand-held tools with a unit purchase price not in excess of \$100. For the purposes of this subsection (4)(b), hand-held tools are those tools described in 15-6-201(1)(r)(i).

(c) tangible personal property or services used in any activity other than as described in subsections (1)(b)(i) through (1)(b)(vi), including but not limited to:

(i) office equipment and supplies;

(ii) equipment and supplies used in selling or distributing activities;

(iii) janitorial equipment, supplies, and services;

(d) property used in research or development;

(e) tangible personal property used to make repairs and associated service costs. This subsection (4)(e) does not include repair parts that become a component part of tangible property that is nontaxable under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property that are nontaxable under this section and the service costs associated with the repairs.

(g) motor vehicles and aircraft that are otherwise subject to the sales tax or use tax under this chapter."

20. Page 32, line 11.

**Strike:** "Sales tax" through "allocation"

**Insert:** "University system"

21. Page 32, line 12 through line 24.

**Strike:** subsections (1) through (4) in their entirety

22. Page 32, line 25.

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**Strike:** "(5)(a)"

**Insert:** "(1)"

**Strike:** "\$13.6"

**Insert:** "\$11.9"

23. Page 32, line 27.

**Strike:** "(b)"

**Insert:** "(2)"

24. Page 33, line 2 through line 8.

**Strike:** subsection (6) in its entirety

25. Page 46, line 30.

**Strike:** "20-25-349"

**Insert:** "20-25-439"

26. Page 49, line 13.

**Strike:** ", if any, allocated to"

**Insert:** "deposited in"

**Strike:** "in [section 39]"

**Insert:** "under 15-68-820"

27. Page 53, line 4.

**Strike:** ", (6), and (8)"

**Insert:** "through (7)"

28. Page 53, line 6.

**Following:** "to"

**Insert:** "the state and to"

29. Page 53, line 7.

**Following:** "~~and~~"

**Insert:** "state and"

**Strike:** "university levy and"

30. Page 53, line 9.

**Strike:** "university levy and"

31. Page 53, line 11 through line 14.

**Strike:** "to school" on line 11 through "school district" on line 14

**Insert:** "the remainder to the state general fund"

32. Page 53, line 26 through line 27.

**Strike:** the first "the" on line 26 through "system and" on line 27

33. Page 54, line 1 through line 6.

**Strike:** subsection (7) in its entirety

**Renumber:** subsequent subsection

34. Page 81, line 4.

**Strike:** "1(h)"

**Insert:** "1201"

35. Page 81, line 5.

**Strike:** "1(h)"

**Insert:** "1201"

36. Page 82, line 11.

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**Strike:** "45.05 %"  
**Insert:** "26.28 %"

37. Page 82, line 12.  
**Strike:** "58.39 %"  
**Insert:** "44.82 %"

38. Page 82, line 13.  
**Strike:** "48.27 %"  
**Insert:** "30.83 %"

39. Page 82, line 14.  
**Strike:** "58.14 %"  
**Insert:** "42.2 %"

40. Page 82, line 15.  
**Strike:** "69.53 %"  
**Insert:** "50.68 %"

41. Page 82, line 16.  
**Strike:** "50.81 %"  
**Insert:** "32.55 %"

42. Page 82, line 17.  
**Strike:** "47.79 %"  
**Insert:** "34.92 %"

43. Page 82, line 18.  
**Strike:** "41.78 %"  
**Insert:** "29.18 %"

44. Page 82, line 19.  
**Strike:** "69.18 %"  
**Insert:** "40.52 %"

45. Page 82, line 20.  
**Strike:** "45.96 %"  
**Insert:** "34.21 %"

46. Page 82, line 21.  
**Strike:** "58.83 %"  
**Insert:** "34.04 %"

47. Page 82, line 22.  
**Strike:** "58.37 %"  
**Insert:** "34.08 %"

48. Page 82, line 23.  
**Strike:** "64.51 %"  
**Insert:** "40.45 %"

49. Page 82, line 24.  
**Strike:** "57.94 %"  
**Insert:** "41.59 %"

50. Page 82, line 25.  
**Strike:** "49.92 %"  
**Insert:** "34.17 %"

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51. Page 82, line 26.

**Strike:** "48.64%"

**Insert:** "34.21%"

52. Page 82, line 27.

**Strike:** "48.04%"

**Insert:** "26.78%"

53. Page 82, line 28.

**Strike:** "54.02%"

**Insert:** "38.49%"

54. Page 82, line 29.

**Strike:** "54.26%"

**Insert:** "34.43%"

55. Page 82, line 30.

**Strike:** "60.9%"

**Insert:** "47.12%"

56. Page 83, line 1.

**Strike:** "40.38%"

**Insert:** "28.69%"

57. Page 83, line 2.

**Strike:** "47.47%"

**Insert:** "32.2%"

58. Page 83, line 3.

**Strike:** "45.71%"

**Insert:** "27.19%"

59. Page 83, line 4.

**Strike:** "39.33%"

**Insert:** "22.16%"

60. Page 83, line 5.

**Strike:** "47.99%"

**Insert:** "33.87%"

61. Page 83, line 6.

**Strike:** "53.51%"

**Insert:** "35.35%"

62. Page 83, line 7.

**Strike:** "61.24%"

**Insert:** "40.64%"

63. Page 83, line 8.

**Strike:** "46.1%"

**Insert:** "30.62%"

64. Page 83, line 9.

**Strike:** "57.61%"

**Insert:** "39.96%"

65. Page 83, line 10.

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Strike: "51.43% "  
Insert: "30.83% "

66. Page 83, line 11  
Strike: "49.16% "  
Insert: "39.03% "

67. Page 83, line 12.  
Strike: "46.74% "  
Insert: "28.05% "

68. Page 83, line 13.  
Strike: "50.15% "  
Insert: "33.12% "

69. Page 83, line 26.  
**Strike:** "and"

70. Page 83, line 28.  
**Following:** "and"  
**Insert:** "2.65% to the state special revenue fund to be appropriated to the Montana university system for the support, maintenance, and improvement of the university system; and"

71. Page 83, line 29.  
**Following:** "(v)"  
**Insert:** "(v)"

72. Page 84, line 2.  
**Strike:** "and"

73. Page 84, line 4.  
**Following:** "and"  
**Insert:** "2.65% to the state special revenue fund to be appropriated to the Montana university system for the support, maintenance, and improvement of the university system; and"

74. Page 84, line 5.  
**Following:** "(iv)"  
**Insert:** "(iv)"

75. Page 84.  
**Following:** line 5  
**Insert:** "**Section 78.** Section 15-36-332, MCA, is amended to read:

"**15-36-332. Distribution of taxes to taxing units -- appropriation.** (1) By the dates referred to in subsection (6), the department shall distribute oil and natural gas production taxes allocated under 15-36-331(3) to each eligible county.

(2) (a) Each county treasurer shall distribute the amount of oil and natural gas production taxes designated under subsection (1), including the amounts referred to in subsection (2)(b), to ~~the countywide elementary and high school retirement funds, countywide transportation funds, and~~ eligible school districts according to the following schedule:

	Elementary Retirement	High School Retirement	Countywide Transportation	School Districts
Big Horn	14.81%	10.36%	2.99%	26.99%
Blaine	5.86%	2.31%	2.71%	24.73%
Carbon	3.6%	6.62%	1.31%	49.18%
Chouteau	8.1%	4.32%	3.11%	23.79%
Custer	6.9%	3.4%	1.19%	31.25%
Daniels	0	7.77%	3.92%	48.48%
Dawson		5.53%	2.5%	1.11%



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Fallon	0	<del>7.63%</del>	<del>1.24%</del>	<del>42.58%</del>	<u>21.29%</u>	
Fergus	7.88%	<del>4.84%</del>	<del>2.08%</del>	<del>53.25%</del>	<u>26.63%</u>	
Garfield		<del>4.04%</del>	<del>3.13%</del>	<del>5.29%</del>	<u>26.19%</u>	13.1%
Glacier	11.2%	<del>4.87%</del>	<del>3.01%</del>	<del>46.11%</del>	<u>23.06%</u>	
Golden Valley	0		<del>11.52%</del>	<del>2.77%</del>	<u>54.65%</u>	27.33%
Hill	6.7%	<del>4.07%</del>	<del>1.59%</del>	<del>49.87%</del>	<u>24.94%</u>	
Liberty	4.9%	<del>4.56%</del>	<del>1.15%</del>	<del>35.22%</del>	<u>17.61%</u>	
McCone		<del>4.18%</del>	<del>3.19%</del>	<del>2.58%</del>	<u>43.21%</u>	21.61%
Musselshell		<del>5.98%</del>	<del>4.07%</del>	<del>3.53%</del>	<u>32.17%</u>	16.09%
Petroleum	0		<del>11.92%</del>	<del>4.59%</del>	<u>55.48%</u>	27.74%
Phillips	0.43%	<del>6.6%</del>	<del>1.08%</del>	<del>41.29%</del>	<u>20.65%</u>	
Pondera		<del>6.96%</del>	<del>5.06%</del>	<del>1.94%</del>	<u>45.17%</u>	22.59%
Powder River		<del>3.96%</del>	<del>2.97%</del>	<del>4.57%</del>	<u>22.25%</u>	11.13%
Prairie	0	<del>8.88%</del>	<del>1.63%</del>	<del>36.9%</del>	<u>18.45%</u>	
Richland		<del>4.1%</del>	<del>3.92%</del>	<del>2.26%</del>	<u>43.77%</u>	21.89%
Roosevelt		<del>9.93%</del>	<del>7.37%</del>	<del>2.74%</del>	<u>40.94%</u>	20.47%
Rosebud		<del>3.87%</del>	<del>2.24%</del>	<del>1.05%</del>	<u>72.97%</u>	36.49%
Sheridan	0	<del>3.39%</del>	<del>2.22%</del>	<del>47.63%</del>	<u>23.82%</u>	
Stillwater		<del>6.87%</del>	<del>4.86%</del>	<del>1.63%</del>	<u>41.16%</u>	20.58%
Sweet Grass		<del>6.12%</del>	<del>6.5%</del>	<del>2.4%</del>	<u>37.22%</u>	18.61%
Teton	6.88%	<del>8.19%</del>	<del>3.8%</del>	<del>29.43%</del>	<u>14.72%</u>	
Toole	2.78%	<del>4.78%</del>	<del>1.3%</del>	<del>43.56%</del>	<u>21.78%</u>	
Valley	2.26%	<del>12.61%</del>	<del>4.63%</del>	<del>41.11%</del>	<u>20.56%</u>	
Wibaux	0	<del>4.1%</del>	<del>0.77%</del>	<del>31.46%</del>	<u>15.73%</u>	
Yellowstone		<del>7.98%</del>	<del>4.56%</del>	<del>1.07%</del>	<u>52.77%</u>	26.39%
All other counties		<del>3.81%</del>	<del>7.84%</del>	<del>1.81%</del>	<u>41.04%</u>	20.51%

(b) (i) The county treasurer shall distribute 9.8% of the Custer County share to the countywide community college district in Custer County.

(ii) The county treasurer shall distribute 14.5% of the Dawson County share to the countywide community college district in Dawson County.

(3) The remaining oil and natural gas production taxes for each county must be used for the exclusive use and benefit of the county, including districts within the county established by the county.

(4) (a) The county treasurer shall distribute oil and natural gas production taxes to school districts in each county referred to in subsection (2) as provided in subsections (4)(b) through (4)(d).

(b) The amount distributed to each K-12 district within the county is equal to oil and natural gas production taxes in the county multiplied by the ratio that oil and natural gas production taxes attributable to oil and natural gas production in the K-12 school district bear to total oil and natural gas production taxes attributable to total oil and natural gas production in the county and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(c) For the amount to be distributed to each elementary school district and to each high school district under subsection (4)(d), the department shall first determine the amount of oil and natural gas taxes in the high school district that is attributable to oil and natural gas production in each elementary school district that is located in whole or in part within the exterior boundaries of a high school district and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(d) (i) The amount distributed to each elementary school district that is located in whole or in part within the exterior boundaries of a high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the elementary school district bear to the sum of the total mills of the elementary school district and the total mills of the high school district.

(ii) The amount distributed to the high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the high school district bear to the sum of the total mills of each elementary school district referred to in subsection (4)(c) and the total mills of the high school district.

(5) (a) Oil and natural gas production taxes calculated for each school district under subsections (4)(b) through (4)(d) must be distributed to each school district in the relative proportion of the mill levy for each fund.

(b) If a distribution under subsection (5)(a) exceeds the total budget for a school district fund, the board of trustees of an elementary or high school district may reallocate the excess to any budgeted fund of the school district.

(6) The department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

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(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous year.

(7) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes under 7-1-2111.

(8) The distribution to taxing units under this section is statutorily appropriated, as provided in 17-7-502, from the state special revenue fund."

**Renumber:** subsequent sections

76. Page 116, line 24.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsections

77. Page 116, line 26.

**Strike:** subsection (iv) in its entirety

**Renumber:** subsequent subsections

78. Page 121.

**Following:** line 8

**Insert:** "Section 109. Section 20-10-146, MCA, is amended to read:

**"20-10-146. County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

~~(ii) oil and natural gas production taxes;~~

~~—— (iii) anticipated local government severance tax payments for calendar year 1995 production;~~

~~(iv)(ii) coal gross proceeds taxes under 15-23-703;~~

~~(v) countywide school transportation block grants distributed under section 246, Chapter 574, Laws of 2001;~~

~~(vi)(iii) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;~~

~~(vii)(iv) federal forest reserve funds allocated under the provisions of 17-3-213; and~~

~~(viii)(v) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and~~

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(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments."

79. Page 123, line 24.

**Strike:** "sales tax and use tax account under [section 39]"

**Insert:** "state general fund"

80. Page 125, line 15.

**Strike:** "sales tax and use tax account under [section 39]"

**Insert:** "state general fund"

81. Page 126, line 24.

**Strike:** "sales tax and use tax account under [section 39]"

**Insert:** "state general fund"

82. Page 129, line 15.

**Strike:** "sales tax and use tax account established under [section 39]"

**Insert:** "state general fund"

83. Page 135, line 20.

**Strike:** "sales tax and use tax account under [section 39]"

**Insert:** "state general fund"

84. Page 137, line 16.

**Following:** "20-9-360,"

**Insert:** "20-9-630, 20-9-631, 20-9-632,"

85. Page 137, line 16 through line 17.

**Following:** "MCA," on line 16

**Strike:** "and" on line 16 through "2001," on line 17

86. Page 137, line 18.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

87. Page 139, line 4.

**Strike:** "on passage and approval"

**Insert:** "January 1, 2006"

88. Page 139, line 5.

**Strike:** "[Sections" through "2006"

**Insert:** "[Section 122 and this section] are effective on passage and approval"

89. Page 139.

**Following:** line 5

**Insert:** "(3) [Sections 6, 8, 28, 29, 32, 38, and 40 through 47] are effective July 1, 2005."

**Renumber:** subsequent subsections

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90. Page 139, line 6.

**Strike:** "119(3)"

**Insert:** "121(2)"

91. Page 139, line 8.

**Strike:** "119"

**Insert:** "122"

**Strike:** "this act"

**Insert:** "section 125(2)"

92. Page 139, line 11.

**Following:** "77,"

**Insert:** "78,"

**Strike:** "79"

**Insert:** "80"

93. Page 139, line 12.

**Strike:** "119(1) and (2)"

**Insert:** "121(1)"

94. Page 139, line 14.

**Strike:** "78"

**Insert:** "79"

**Strike:** "119(3)"

**Insert:** "121(2)"

And, as amended, do pass. Report adopted.

**HB 756**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "PRODUCTION;"

**Insert:** "PROVIDING THAT THE TAX INCENTIVE BE PAID OUT OF THE GENERAL FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA;"

2. Page 1, line 15.

**Following:** "property"

**Insert:** "in Montana"

3. Page 1, line 21 through line 22.

**Strike:** "25%" on line 21

**Insert:** "15%"

**Strike:** "The" on line 21 through "installments." on line 22

**Insert:** "The credit must be claimed in the tax year in which the facility begins processing oilseed or manufacturing a product from oilseed."

4. Page 2, line 21.

**Following:** "facility"

**Insert:** "in Montana"

5. Page 2, line 27.

**Strike:** "25%"

**Insert:** "15%"

6. Page 2, line 28.

**Strike:** "quarterly installments beginning in"

7. Page 3, line 26.

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**Following:** "incentive"

**Insert:** "-- appropriation"

8. Page 3, line 27.

**Following:** "production."

**Insert:** "The tax incentive under this section applies to biodiesel upon which the tax has been paid under 15-70-343 by a licensed distributor. For the purposes of this section, the production year is the period from July 1 of the current year to June 30 of the succeeding year."

9. Page 3, line 28.

**Strike:** "Payment must be"

**Insert:** "Payments"

**Strike:** "out" through "15-70-204"

**Insert:** "are statutorily appropriated, as provided in 17-7-502, from the state general fund"

10. Page 4.

**Following:** line 7

**Insert:** "(5) As used in this section, "biodiesel producer" means a person who engages in the business of producing, refining, or manufacturing in Montana biodiesel for sale, use, or distribution."

**Renumber:** subsequent subsection

11. Page 4.

**Following:** line 8

**Insert:** "**Section 4.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; [section 3]; 16-11-404; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; and pursuant to sec. 135, Ch. 114, L. 2003, the inclusion of 2-15-151 terminates June 30, 2005.)"

**"COORDINATION SECTION. Section 5. Coordination instruction.** If House Bill No. 776 is not passed and approved, the definition of "biodiesel" in 15-70-301 must read as follows:

"(2) (a) "Biodiesel" means a fuel produced from monoalkyl esters of long-chain fatty acids derived from vegetable oils, renewable lipids, animal fats, or any combination of those ingredients. The fuel must meet the requirements of ASTM D6751, also known as the Standard Specification for Biodiesel Fuel (B100) Blend Stock for

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Distillate Fuels, as adopted by the American society of testing and materials.

(b) Biodiesel is also known as "B-100".

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 774**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Strike:** "filing a delinquent"

**Insert:** "who has not filed a"

**Following:** "return"

**Insert:** "or paid the tax"

2. Page 2, line 8.

**Strike:** "after"

**Insert:** "on or before"

3. Page 4, line 12.

**Strike:** "fiscal year 2005"

**Insert:** "the 2007 biennium"

4. Page 4, line 14 through line 16.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

5. Page 4, line 24.

**Following:** "Sections 1"

**Insert:** ", "

**Strike:** "and"

**Following:** "2"

**Insert:** ", and 3(1)"

6. Page 4, line 25.

**Following:** "3"

**Insert:** "(2)"

And, as amended, without recommendation. Report adopted.

**HB 776**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "THE BLENDING OF"

2. Title, page 1, line 10.

**Strike:** "BLENDED"

3. Page 3, line 12.

**Strike:** "blend"

4. Page 3, line 14.

**Strike:** "15-70-326"

**Insert:** "15-70-343"

**Strike:** "blend"

5. Page 3, line 15.

**Strike:** "blended"

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6. Page 3, line 18.

**Strike:** "blended"

7. Page 3, line 24.

**Strike:** "blend"

8. Page 7, line 21.

**Strike:** "ASTMPS 121"

**Insert:** "ASTM D6751"

9. Page 7, line 22.

**Strike:** "Provisional"

**Insert:** "Standard"

And, as amended, do pass. Report adopted.

**MOTIONS**

Rep. Noonan moved that the House suspend the Rules to allow for HB 761 to be placed on 3rd Reading. This requires a 2/3 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Balyeat, D. Brown, Everett, Heinert, Jackson, L. Jones, Koopman, Lake, Malcolm, McKenney, Mendenhall, Morgan, Rice, Sales, Sonju, Waitschies, Ward, Witt.  
Total 18

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 761** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

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Noes: Everett, Koopman, Malcolm, Waitschies.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Lenhart, Musgrove.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Thursday, March 31, 2005. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 31, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 31, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Lange. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 12:50 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 3/31/2005

Correctly printed: **HB 305, HB 569, HB 761, HB 771.**

Correctly engrossed: **HB 214, HB 410, HB 461, HB 528, HB 592, HB 639, HB 741, HB 756, HB 774, HB 776.**

**BUSINESS AND LABOR** (Keane, Chairman): 3/31/2005

**SB 217**, be amended as follows:

1. Page 1, line 28.

**Strike:** "unless a lower rate is provided by a collective bargaining agreement"

And, as amended, be concurred in. Report adopted.

**SB 466**, be amended as follows:

1. Page 6, line 8.

**Strike:** "[This act]"

**Insert:** "[Section 5]"

And, as amended, be concurred in. Report adopted.

**SJR 24**, be concurred in and placed on the consent calendar. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/31/2005

**HB 787**, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

**Strike:** the second "AND" on line 7 through "PROGRAM" on line 8

2. Page 3, line 7 through line 8.

**Following:** "[section 3]"

**Strike:** ",," on line 7 through "[section 4]," on line 8

3. Page 3, line 29 through page 4, line 11.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

4. Page 5, line 9.

**Strike:** "(1)"

5. Page 5, line 12 through line 13.

**Strike:** subsection (2) in its entirety

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And, as amended, do pass. Report adopted.

**SB 365**, be concurred in. Report adopted.

**SB 480**, be concurred in. Report adopted.

**SB 497**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

3/31/2005

**HJR 36**, introduced joint resolution, be amended as follows:

1. Page 2, line 2.

Following: "Committee"

Insert: "be requested to"

2. Page 2, line 6.

**Following:** line 5

**Insert:** "(2) include input from the director of the Office of Budget and Program Planning and the directors of state agencies that would be affected by changes to the resource indemnity trust;"

**Renumber:** subsequent subsections

And, as amended, be adopted. Report adopted.

**SB 138**, be amended as follows:

1. Page 2, line 5.

**Strike:** "the administrator"

**Insert:** "a representative"

And, as amended, be concurred in. Report adopted.

**SB 145**, be amended as follows:

1. Title, line 6.

**Strike:** "INCREASING" through "MEMBERS"

**Insert:** "REVISING THE MEMBERSHIP"

2. Page 1, line 17.

**Strike:** "nine"

**Insert:** "seven"

3. Page 1, line 20.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

4. Page 1, line 24.

**Strike:** "two representatives"

**Insert:** "a representative"

And, as amended, be concurred in. Report adopted.

**SB 214**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

3/31/2005

**SB 445**, introduced by McGee

**SB 477**, introduced by Elliott

**SB 499**, introduced by Keenan

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**SB 511**, introduced by Mangan

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/31/2005

**HB 142**, introduced by Ripley

**HB 179**, introduced by Lake

**HB 192**, introduced by Waitschies

**HB 220**, introduced by Lake

**HB 230**, introduced by Jacobson

**HB 385**, introduced by Wells

**HB 668**, introduced by Noonan

**MESSAGES FROM THE GOVERNOR**

March 30, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 203** sponsored by Representative Roberts, **House Bill 370** sponsored by Representative Gallik, **House Bill 452** sponsored by Representative Windy Boy, and **House Bill 463** sponsored by Representative Facey on March 30, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 30, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 46, "AN ACT CREATING THE OFFENSE OF VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE; PROVIDING THAT ON THE FIRST THROUGH THIRD CONVICTION FOR DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE ALCOHOL CONCENTRATION, IF THE PERSON HAS A PRIOR CONVICTION OF VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE, THE PERSON SHALL BE PUNISHED AS PROVIDED IN 61-8-731 FOR A FOURTH OR SUBSEQUENT OFFENSE OF DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE ALCOHOL CONCENTRATION; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons.

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House Bill No. 97, which was recently signed into law, needs to be coordinated with House Bill 46 transmitted for my signature so that vehicular homicide is one of the offenses that count toward a felony DUI. The proposed amendment to coordinate House Bills 97 and 46 are attached to this letter. A Department of Justice staff member has discussed my proposed amendments with the sponsor of the bill, Representative Parker, and he approves of the amendments.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 46  
Amendments to House Bill No. 46  
Reference Copy  
For the Governor  
Prepared by Valencia Lane, Legislative counsel

1. Page 3, line 11.

**Following:** line 10

**Insert:** **"COORDINATION SECTION. Section 5.** Coordination instruction. If both House Bill No. 97 and [this act] are passed and approved, then 61-8-731 must be amended as follows:

**"61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or subsequent offense.** (1) ~~On the fourth or subsequent conviction under 61-8-714 or 61-8-722 for~~ Except as provided in subsection (3), if a person is convicted of a violation of 61-8-401 or 61-8-406 and the person has any combination of three or more prior convictions under 45-5-104, [section 1 of House Bill No. 46], 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), the person is guilty of a felony and shall be punished by:

(a) sentencing the person to the department of corrections for placement in an appropriate correctional facility or program for a term of 13 months. The court shall order that if the person successfully completes a residential alcohol treatment program operated or approved by the department of corrections, the remainder of the 13-month sentence must be served on probation. The imposition or execution of the 13-month sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and

(c) a fine in an amount of not less than \$1,000 or more than \$10,000.

(2) The department of corrections may place an offender sentenced under subsection (1)(a) in a residential alcohol treatment program operated or approved by the department of corrections or in a state prison.

(3) If a person is convicted of a violation of 61-8-401 or 61-8-406, the person has any combination of four or more prior convictions under 45-5-104, [section 1 of House Bill No. 46], 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), and the person was, upon a prior conviction, placed in a residential alcohol treatment program under subsection (2), whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or be fined an amount of not less than \$1,000 or more than \$10,000, or both.

~~(3)~~(4) The court shall, as a condition of probation, order:

(a) that the person abide by the standard conditions of probation promulgated by the department of corrections;

(b) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section;

(c) that the person may not frequent an establishment where alcoholic beverages are served;

(d) that the person may not consume alcoholic beverages;

(e) that the person may not operate a motor vehicle unless authorized by the person's probation officer;

(f) that the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(g) that the person submit to random or routine drug and alcohol testing; and

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(h) that if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system.

~~(4)~~(5) The sentencing judge may impose upon the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

- (a) payment of a fine as provided in 46-18-231;
- (b) payment of costs as provided in 46-18-232 and 46-18-233;
- (c) payment of costs of court-appointed counsel as provided in 46-8-113;
- (d) community service;
- (e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(f) any combination of the restrictions or conditions listed in subsections ~~(4)(a)~~ (5)(a) through ~~(4)(e)~~ (5)(e).

~~(5)~~(6) Following initial placement of a defendant in a treatment facility under subsection (2), the department of corrections may, at its discretion, place the offender in another facility or program.

~~(6)~~(7) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to persons sentenced under this section."

**Renumber:** subsequent section.

- END -

March 31, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 61, "**AN ACT PROVIDING FOR APPOINTMENT OF TWO LEGISLATIVE LIAISONS TO THE STATE COMPENSATION INSURANCE FUND BOARD OF DIRECTORS; AUTHORIZING LIAISONS TO ATTEND BOARD MEETINGS AND RECEIVE INFORMATION AND ASSISTANCE FROM STATE COMPENSATION INSURANCE FUND STAFF; PROVIDING COMPENSATION AND LENGTH OF SERVICE; AMENDING SECTION 2-15-1019, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Senate Bill 61 inserts members of the legislatures' economic affairs interim committee into the board meetings of the directors of the state compensation insurance fund. While the bill appears to be largely gratuitous since now anyone can attend the board meetings, receive agendas and request material from staff, my amendatory veto focuses only on two areas. First, subsection (10)(c) that places additional burdens on state fund staff for information and services and second that the funding for compensation is not budgeted. My proposed amendments eliminate subsection 10(c) and adds a provision requiring that the funding for the bill be paid for out of the economic affairs interim committee budget.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 61  
Amendments to Senate Bill No. 61  
Reference Copy  
Requested by the Governor

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For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Title, lines 5 through 7.  
Following: "DIRECTORS;" on line 5  
Strike: remainder of line 5 through "STAFF;" on line 7
2. Page 2, line 15.  
**Following:** "meetings;"  
**Insert:** "and"
3. Page 2, line 17 through line 19.  
**Following:** "fund" on line 17  
Strike: remainder of line 17 through "operations" on line 19
4. Page 2, line 21.  
Following: "expenses"  
Insert: ", "  
Following: "5-2-302"  
Insert: ",to be paid by the economic affairs interim committee"

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 803**, introduced by Stahl, Becker, Wiseman, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 445**, introduced by McGee, referred to Education.

**SB 477**, introduced by Elliott, Cocchiarella, Hamilton, Lind, referred to State Administration.

**SB 499**, introduced by Keenan, referred to Human Services.

**SB 511**, introduced by Mangan, referred to Taxation.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 569** passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bixby, Buzzas, Jayne, Juneau, Stahl.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Andersen.

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Total 1

**HB 771 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 39 concurred** in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Koopman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 375 concurred** in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 58

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Waitschies, Warden, Wells, Witt, Mr. Speaker.

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Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 774** - Representative Himmelberger moved **HB 774** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 123** - Representative Keane moved **SB 123** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 74

Noes: Balyeat, Bixby, D. Brown, Campbell, Dickenson, Everett, Franklin, Galvin-Halcro, Gutsche, Hawk, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lambert, Maedje, Malcolm, Morgan, Sinrud, Sonju, Ward, Witt.

Total 23

Excused: None.

Total 0

Absent or not voting: Glaser, Himmelberger, Sales.

Total 3



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**SB 329** - Representative Parker moved consideration of **SB 329** be passed for the day. Motion carried.

**SB 194** - Representative Malcolm moved **SB 194** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Golie, Grinde, Gutsche, Harris, Heinert, Henry, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noennig, A. Olson, B. Olson, Raser, Sinrud, Stoker, Waitschies, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 37

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Dickenson, Everett, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Windy Boy.  
Total 62

Excused: None.  
Total 0

Absent or not voting: Jayne.  
Total 1

**SB 206** - Representative Ward moved **SB 206** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Hawk, Lake, Ripley, Stahl.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 38** - Representative Golie moved **SB 38** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman,

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Ward, Warden, Wells.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Peterson, Waitschies.  
Total 2

**SB 244** - Representative Lindeen moved **SB 244** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Butcher, Everett, Hawk, Hendrick, Malcolm, Stahl, Waitschies.  
Total 7

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**SB 369** - Representative Keane moved **SB 369** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Hendrick, Ripley, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Glaser, Maedje, McKenney.  
Total 3

**SJR 21** - Representative Wilson moved **SJR 21** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 69

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Hendrick, Himmelberger, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells.

Total 29

Excused: None.

Total 0

Absent or not voting: Harris, MacLaren.

Total 2

**SB 286** - Representative Glaser moved **SB 286** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Jackson, L. Jones, Lange, Sales, Sinrud.

Total 7

Excused: None.

Total 0

Absent or not voting: Klock, Lambert.

Total 2

**SB 325** - Representative Villa moved **SB 325** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Ward, Wilson, Wiseman, Witt, Mr. Speaker.

Total 65

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Caferro, Everett, Facey, Gallik, Hendrick, Himmelberger, Jackson, W. Jones, Kaufmann, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Warden, Wells, Windham, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**SB 401** - Representative Gallik moved **SB 401** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Everett, Himmelberger, W. Jones, Koopman, Mendenhall, Morgan, Sales, Sinrud, Wagman, Wells.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 451** - Representative Roberts moved **SB 451** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 92

Noes: Hawk, Koopman, Mendenhall, Sales, Sinrud, Wells, Witt.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted.

Representative Himmelberger made a **substitute motion** that **HB 744** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Bergren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 479** - Representative McGillvray moved **SB 479** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 77** - Representative Lange moved **SB 77** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Bixby, Hawk, Stahl, Waitschies.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

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**SB 126** - Representative Facey moved **SB 126** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: R. Brown, Buzzas, Franklin, Gallik, Hawk, Maedje, Mendenhall, Morgan, B. Olson, Rice, Sales, Sinrud, Waitschies.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**SB 265** - Representative Villa moved **SB 265** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: D. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, MacLaren, Malcolm, McGillvray, Mendenhall, B. Olson, Rice, Ross, Sales, Sonju, Wagman, Waitschies, Ward, Wells, Witt.  
Total 20

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Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**MOTIONS**

Rep. Bergren moved the House reconsider its action on HB 771 on 3rd Reading today and place on 3rd Reading on April 1, 2005. This is a majority vote. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

Rep. Peterson moved SB 124 be withdrawn from the Natural Resources Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

Dem. Floor Leader Parker moved SB 503 be referred back to the Fish, Wildlife and Parks Committee. Without objection, so ordered.

Rep. Wiseman moved SJR 16 be withdrawn from the Federal Relations, Energy and Telecommunications

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Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

Rep. Bergren moved SB 78 be withdrawn from the Business and Labor Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

### COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 762 from the House Taxation Committee and place on 2nd Reading on Friday, April 1, 2005.

### REPORTS OF STANDING COMMITTEES

**EDUCATION** (Galvin-Halcro, Chairman):  
**SB 198**, be amended as follows:

3/31/2005

1. Title, page 1, lines 4 through 6.  
**Following:** "REQUIRING" on line 4  
**Strike:** "A" on line 4 through "BUS" on line 6



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**Insert:** "THE BOARD OF PUBLIC EDUCATION AND SCHOOL DISTRICTS TO JOINTLY CONSIDER WAYS TO ADDRESS HARASSMENT, INTIMIDATION, AND BULLYING IN PUBLIC AND OTHER ACCREDITED SCHOOLS, INCLUDING THE DEVELOPMENT OF A MODEL POLICY AND TRAINING; PROVIDING FOR A REPORT TO THE LEGISLATURE BY THE BOARD OF PUBLIC EDUCATION UPON REQUEST; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 13.

**Following:** "intimidation,"

**Strike:** "or"

**Insert:** "and"

**Strike:** "disrupts"

**Insert:** "disrupt"

3. Page 1, line 16.

**Strike:** "or"

**Insert:** "and"

4. Page 1, line 17 through line 18.

**Following:** "need" on line 17

**Strike:** remainder of line 17 through "prohibit" on line 18

**Insert:** "to address"

**Following:** "intimidation," on line 18

**Strike:** "or"

**Insert:** "and"

5. Page 1, line 20 through page 3, line 13.

**Strike:** sections 2 through 5 in their entirety

**Insert:** "NEW SECTION. Section 2. Addressing issue of harassment, intimidation, and bullying in schools -- report to legislature. (1) The board of public education shall work with school districts to jointly consider methods to address harassment, intimidation, and bullying in public and other accredited schools.

(2) The board and school districts shall direct their efforts in combating harassment, intimidation, and bullying through the development of a model policy. These efforts should:

(a) involve consultation with parents, school personnel, students, and members of the community in the development of a model policy for districts;

(b) ensure that a model policy, at a minimum, includes:

(i) a definition of harassment, intimidation, and bullying that is at least as inclusive as the definition provided in subsection (4);

(ii) a procedure for a student or employee to report an act of harassment, intimidation, and bullying;

(iii) a procedure for resolving an allegation of a violation of the district's policy;

(iv) a prohibition on students, school district employees, or volunteers from engaging in reprisal or retaliation against a victim, witness, or person who provides information about an act of harassment, intimidation, and bullying; and

(v) an outline of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, and bullying or retaliates against a person who reports an act of harassment, intimidation, and bullying; and

(c) identify resources available to provide training for school district employees or volunteers on the prevention of harassment, intimidation, and bullying.

(3) The board shall, upon request, report to the education and local government interim committee on the efforts taken jointly with school districts to address the issue of harassment, intimidation, and bullying in public and other accredited schools, including the number of school districts that have adopted policies prohibiting harassment, intimidation, and bullying.

(4) As used in [sections 1 and 2], "harassment, intimidation, and bullying" means any gesture or written, verbal, or physical act that:

(a) a reasonable person should know will have the effect of harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property; or

(b) has the effect of insulting or demeaning a student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of the student."

**Renumber:** subsequent section

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6. Page 3, line 15.  
**Strike:** "through 5"  
**Insert:** "and 2"

7. Page 3, line 17.  
**Strike:** "through 5"  
**Insert:** "and 2"

8. Page 3, line 18.  
**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**SB 224**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):  
**SB 197**, be concurred in. Report adopted.  
**SB 342**, be amended as follows:

3/31/2005

1. Page 3, line 11.  
**Following:** "(1)"  
**Insert:** "(a)"

2. Page 3, line 13.  
**Strike:** "an advertisement requesting"  
**Insert:** "a request for"

3. Page 3, line 14.  
**Strike:** "and proposals"  
**Insert:** "as defined in 60-2-134"  
**Following:** "."  
**Insert:** "At a minimum, publication of the request for qualifications must be an advertisement running for at least 3 weeks in each newspaper of general circulation that is published at least weekly and that is circulated within the state, with respect to state agency requests, or within the local area, with respect to a request by a governing body."  
(b) After evaluating the responses to the request for qualifications, a request for proposals must be sent to each respondent that meets the qualification criteria specified in the request for qualifications."

4. Page 3, line 25.  
**Strike:** "fees"  
**Insert:** "project costs"

5. Page 3.  
**Following:** line 26  
**Insert:** "(3) Under any contract awarded pursuant to [sections 1 through 3], architectural services must be performed by an architect, as defined in 37-65-102, and engineering services must be performed by a professional engineer, as defined in 37-67-101."  
**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**SB 478**, be concurred in. Report adopted.  
**SB 491**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):  
**HB 762**, without recommendation. Report adopted.

3/31/2005

**ANNOUNCEMENTS**

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SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 31, 2005

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Friday, April 1, 2005. Motion carried.

House adjourned at 3:11 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana  
April 1, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced Brook McLendon from Billings as an honorary page for the day. Speaker Matthews and the House thanked the pages for the week.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 1:05 p.m.

House reconvened at 1:14 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 4/1/2005  
Correctly printed: **HB 762**.  
Correctly engrossed: **HB 529, HB 764, HB 787, HB 803, HJR 38**.

**AGRICULTURE** (Butcher, Chairman): 4/1/2005  
**HJR 38**, introduced joint resolution, be amended as follows:

1. Page 2, line 1.  
**Following:** "ownership"  
**Insert:** "of livestock for more than 7 days"

And, as amended, be adopted. Report adopted.

**SB 259**, be amended as follows:

1. Title, line 4.  
**Following:** "PROPERTY TO"  
**Insert:** "NONFEDERAL"

2. Page 1, line 14.  
**Strike:** "Prior"  
**Insert:** "Except as provided in subsection (4), prior"  
**Following:** "property by a"  
**Insert:** "nonfederal"

3. Page 1, line 21.  
**Strike:** "The"  
**Insert:** "Except as provided in subsection (4), the"

4. Page 1, line 28.  
**Insert:** "(4) If a transfer of property will occur during the winter months when the ability to identify noxious weeds is significantly reduced by snow cover, the purchaser, seller, grantee, or grantor may request a 6-month extension for completion of the inspection and any noxious weed management agreement that may be required. If, upon inspection, it is determined that a noxious weed management agreement is necessary, unless otherwise agreed by the parties, the purchaser or grantee is responsible for implementing the provisions of that agreement. "

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And, as amended, be concurred in. Report adopted.

**SB 314**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "DEFINING"

**Strike:** "TERMS" through "INTEREST"

**Insert:** "TERM "ENTITY""

2. Page 1, line 10 through line 15.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 1, line 22.

**Following:** "shall"

**Insert:** "own irrigable land within the division of the district that the individual would represent or"

4. Page 1, line 24.

**Following:** "HOLD AN"

**Strike:** "OWNERSHIP INTEREST IN"

**Insert:** "equity ownership in an entity that owns"

5. Page 1, line 26.

**Following:** "(b)"

**Strike:** "have" through "year"

**Insert:** "be a resident of the county, or an adjoining county, in which some portion of the division of the district that the individual would represent is located"

6. Page 1.

**Following:** line 30

**Insert:** "(3) For the purposes of this section, the term "entity" means a corporation, a limited liability company, a business trust, an estate, a trust, a partnership, an unincorporated association, or a foundation."

7. Page 2, line 2 through line 3.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 461**, be amended as follows:

1. Title, line 6.

**Following:** "CENTER"

**Insert:** "; REQUIRING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS PROVIDE RECEIVERS TO A LANDOWNER OR A LANDOWNER'S DESIGNEE, UPON REQUEST, IN AREAS WHERE DEPREDATIONS ARE CHRONIC OR LIKELY"

2. Page 2, line 5.

**Insert:** "(4) The department shall provide receivers that are capable of receiving signals from the radio-tracking collars to a landowner or a landowner's designee in areas where depredations are chronic or likely if requested by the landowner or the landowner's designee."

And, as amended, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

4/1/2005

**SB 91**, be amended as follows:

1. Title, line 12.

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**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 2, line 6.

**Strike:** "THE"

**Insert:** "If the commission authorizes the issuance of 40 or more special wild buffalo licenses in any license year, the"

3. Page 3, line 21.

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates July 1, 2015."

And, as amended, be concurred in. Report adopted.

**SB 503**, be amended as follows:

1. Title, line 12.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 2, line 6.

**Strike:** "THE"

**Insert:** "If the commission authorizes the issuance of 40 or more special wild buffalo licenses in any license year, the"

3. Page 3, line 21.

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates July 1, 2015."

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

4/1/2005

**SB 116**, be amended as follows:

1. Page 14, line 8.

**Strike:** "the subdivision"

**Insert:** "development"

2. Page 14, line 18.

**Strike:** "adequacy"

**Insert:** "sufficiency"

3. Page 14, line 23 through line 26.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If the tract of record proposed to be subdivided has not been subdivided or created by a subdivision under this chapter or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207 since July 1, 1973, then the proposed subdivision is a first minor subdivision from a tract of record and, when legal and physical access to all lots is provided, must be reviewed as follows:"

4. Page 15, line 13 through line 16.

**Strike:** "created" on line 13 through "76-3-207" on line 16

**Insert:** "from a tract of record as provided in subsection (2)"

5. Page 15, line 27 through line 30.

**Strike:** "subsequent" on line 27 through "76-3-207" on line 30

**Insert:** "any minor subdivision that is not a first minor subdivision from a tract of record, as provided in subsection (2), is a subsequent minor subdivision and"

6. Page 16, line 5.

**Following:** "(5)"

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**Insert:** "(a)"  
**Following:** "approval"  
**Insert:** ", "  
**Strike:** "or"  
**Following:** "~~disapproval~~"  
**Insert:** "conditional approval, or"

7. Page 16, line 6.

**Strike:** "an"  
**Insert:** "that a subdivision"

8. Page 16, line 7.

**Strike:** "(a)"

9. Page 16.

**Following:** line 7

**Insert:** "(b) If regulations change during the period that the application is reviewed for required elements and sufficient information, the determination of whether the application contains the required elements and sufficient information must be based on the new regulations."

And, as amended, be concurred in. Report adopted.

**SB 175**, be amended as follows:

1. Page 1, line 29.

**Following:** "assessed"

**Insert:** "for that part of the cost associated with the lot's or parcel's reasonably estimated traffic flows"

**Following:** "basis of the"

**Insert:** "lot's or parcel's"

2. Page 1, line 30.

**Strike:** line 30 through "parcel"

And, as amended, be concurred in. Report adopted.

**SB 195**, be amended as follows:

1. Page 2, line 3.

**Strike:** "includes"

**Insert:** "may include"

2. Page 2, line 7.

**Strike:** "includes"

**Insert:** "may include"

3. Page 2, line 23 through line 24.

**Strike:** "an average on line 23 through "BUSINESS" on line 24

**Insert:** "a net"

**Following:** "density" on line 24

**Insert:** ", expressed as units per acre,"

**Strike:** "average" on line 24

**Insert:** "net"

**Strike:** "nearest" on line 24

**Insert:** "adjacent"

4. Page 3, line 3.

**Following:** "authorized by"

**Insert:** "subdivision or zoning regulations adopted by"

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5. Page 5, line 19.

**Strike:** ", an inventory of vacant properties within the city limits,"

6. Page 6, line 23.

**Strike:** "guide"

**Insert:** "promote"

7. Page 6, line 24.

**Strike:** "into the"

**Insert:** "in"

8. Page 6, line 25.

**Strike:** "meeting"

**Insert:** "market incentives to help meet"

And, as amended, be concurred in. Report adopted.

**SB 290**, be amended as follows:

1. Page 2, line 13.

**Strike:** "between 20 and"

**Insert:** "20 acres or more and less than"

2. Page 6, line 12.

**Strike:** "FOR" through "PERFORMED"

**Insert:** "the representative drainfield site used for the soil profile description as required"

3. Page 6, line 23.

**Following:** "site"

**Insert:** "identified on the vicinity map, as provided in subsection (1)(a)(i)(G),"

4. Page 8, line 14.

**Strike:** "to"

**Insert:** "acres or more and less than"

And, as amended, be concurred in. Report adopted.

**SB 458**, be amended as follows:

1. Title, line 6.

**Strike:** "30 DAYS"

**Insert:** "6 MONTHS"

2. Page 1, line 24.

**Strike:** "30 days"

**Insert:** "6 months"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

**HB 529**, introduced bill, be amended as follows:

4/1/2005

1. Title, page 1, line 4 through line 10.

**Strike:** "PROVIDING" on line 4 through "GOVERNOR;" on line 10

2. Title, page 1, line 11.

**Following:** "PROVIDING"

**Insert:** "AN"



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3. Title, page 1, line 12.

**Strike:** "DATES" through "APPLICABILITY"

4. Page 1, line 16 through page 2, line 20.

**Strike:** section 1 through section 4 in their entirety

**Renumber:** subsequent sections

5. Page 2, line 22.

**Following:** "disregard."

**Insert:** "(1)"

6. Page 2, line 26.

**Insert:** "(2) The department shall use temporary assistance for needy families block grant funds received as federal special revenue for the purposes of subsection (1)."

7. Page 2, line 27 through page 3, line 1.

**Strike:** "(1)" on page 2, line 27 through "(3)" on page 3, line 1

8. Page 3, line 1.

**Strike:** "Sections 4 and 5"

**Insert:** "Section 1"

**Strike:** "are"

**Insert:** "is"

9. Page 3, line 2.

**Strike:** "sections 4 and 5"

**Insert:** "section 1"

10. Page 3, line 4 through line 6.

**Strike:** "dates" on line 4

**Insert:** "date"

**Strike:** "(1)" on line 4 through "(2)" on line 6

**Strike:** "Section 5" on line 6

**Insert:** "This act"

11. Page 3, line 8 through line 9.

**Strike:** section 8 in its entirety

And, as amended, do pass. Report adopted.

**HB 703**, do pass. Report adopted.

**HB 764**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "12"

**Insert:** "6"

2. Title, page 1, line 6.

**Strike:** "MARKET"

**Insert:** "ASSESSED"

3. Title, page 1, line 9.

**Following:** the second "FOR"

**Insert:** "A"

**Strike:** "INDUSTRY"

**Insert:** "COMMERCIAL ACTIVITY"

4. Title, page 1, line 11.

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**Following:** "15-7-103,"

**Insert:** "AND"

**Strike:** "AND 15-24-1401,"

5. Page 1, line 18.

**Strike:** "12%"

**Insert:** "6%"

**Strike:** "market"

**Insert:** "assessed"

6. Page 1, line 24.

**Strike:** "as if" through "but"

**Insert:** "on the amount of unreclaimed waste material on the property and"

7. Page 1, line 26.

**Strike:** "or improvements"

8. Page 1, line 27.

**Strike:** "a lower"

**Insert:** "the appropriate tax"

9. Page 1, line 28.

**Strike:** "industry"

**Insert:** "businesses"

10. Page 2, line 2 through line 5.

**Strike:** "as if" through "kind" on line 5

**Insert:** "at the greater of \$500 an acre or 10 cents per cubic yard of unreclaimed waste material on the waste management area property"

11. Page 2.

**Following:** line 5

**Insert:** "(2) The department shall reclassify property under [section 1] that no longer meets the definition of waste management area property under 15-1-101. The property must be reclassified according to its use. The department may obtain the assistance of the department of environmental quality in determining whether the property no longer meets the definition of waste management area property.

(3) If the taxpayer reclaims property subject to taxation under [section 1] and if the department determines that the land is suitable for agricultural purposes, the land may be reclassified as agricultural or nonagricultural land under 15-6-133(1)(a) or (1)(c) subject to the provisions of 15-7-202."

**Renumber:** subsequent subsection

12. Page 2, line 8 through line 9.

**Strike:** "if it" on line 8 through "productive" on line 9

**Insert:** "provided in subsection (1)"

13. Page 2, line 11.

**Strike:** "The" through "use."

14. Page 2, line 13.

**Strike:** "or expanding industry"

**Insert:** "development"

15. Page 2, line 15.

**Strike:** "qualifying"

**Following:** "improvements"

**Insert:** ", "

16. Page 2, line 15 through line 16.

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**Strike:** "or modernized" on line 15 through "existing industry" on line 16  
**Insert:** "appurtenant land, and personal property for a commercial activity, including new industrial property described in 15-6-135"

**Strike:** "10%" on line 16  
**Insert:** "50%"

17. Page 2, line 17.  
**Strike:** "market"  
**Insert:** "taxable"

18. Page 2, line 24.  
**Strike:** "an industrial facility"  
**Insert:** "a commercial activity"

19. Page 2, line 25 through line 26.  
**Strike:** "improvements" on line 25 through "processes" on line 26  
**Insert:** "property"  
**Strike:** "qualify" on line 16  
**Insert:** "qualifies"

20. Page 2, line 29 through line 30.  
**Strike:** "The" on line 29 through "15-24-1402(3)" on line 30  
**Insert:** "Upon receipt of approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section"

21. Page 3.  
**Following:** line 7  
**Insert:** " (6) Property taxes abated from the reduction in property taxes allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of this section or the resolution required by subsection (2). The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

22. Page 6, line 4.  
**Following:** "(v)"  
**Insert:** "(i)"  
**Strike:** "contiguous parcels of"  
**Strike:** "totaling 160 acres"

23. Page 6, line 5.  
**Strike:** "or more"  
**Strike:** "and" through "land"

24. Page 6.  
**Following:** line 5  
**Insert:** "(A) has been intentionally used for the disposition or storage of waste rock, tailings, slag, clinker, or other waste from mining, milling, smelting, or refining, including material excavated or reclaimed from another location pursuant to an agreement, an administrative order, or a consent decree;"

25. Page 6, line 6.  
**Strike:** "(i)"  
**Insert:** "(B)"  
**Strike:** "have"  
**Insert:** "has"

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26. Page 6, line 6 through line 8.

**Strike:** "effects" on line 6 through "controls" on line 8

**Insert:** "presence of unreclaimed waste rock, tailings, slag, clinker, or other waste from mining, milling, smelting, or refining"

27. Page 6, line 9.

**Strike:** "(ii)(A)"

**Insert:** "(C)(I)"

**Strike:** "are"

**Insert:** "is part of a facility"

28. Page 6, line 11.

**Strike:** "(B)"

**Insert:** "(II)"

**Strike:** "are"

**Insert:** "is part of a facility"

**Strike:** "compliance"

29. Page 6.

**Following:** line 11

**Insert:** "(ii) The term is limited to property that:

(A) was constructed before 1971 and contains 1 million cubic yards or more of unreclaimed waste rock, tailings, slag, clinker, or other waste from mining, milling, smelting, or refining; or

(B) contains tremolite asbestos.

(iii) The term does not include:

(A) land contained within or immediately contiguous to impoundments constructed as part of a hydroelectric generation facility;

(B) land that is or has been permitted or reclaimed under Title 82, chapter 4;

(C) land that is or has been reclaimed under voluntary cleanup plans pursuant to 75-10-734;

(D) land that is or has been reclaimed by the department of environmental quality under 82-4-239, 82-4-371, or 82-4-445; or

(E) land that is or has been reclaimed pursuant to an administrative order or consent decree from the department of environmental quality or U.S. environmental protection agency."

30. Page 6, line 25.

**Following:** line 24

**Insert:** "(d) for a general and uniform method of appraising forest lands;"

**Renumber:** subsequent subsection

31. Page 8, line 26.

**Strike:** "market"

**Insert:** "assessed"

32. Page 9, line 3 through line 28.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

33. Page 10, line 4.

**Strike:** "part 14,"

34. Page 10, line 5.

**Strike:** "part 14,"

**Following:** "section"

**Strike:** "1"

**Insert:** "4"

35. Page 10.

**Following:** line 5

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**Insert:** "COORDINATION SECTION. Section 9. Coordination instruction. If House Bill No. 689 is not passed and approved, then [section 4(6) of this act] is void."

And, as amended, do pass. Report adopted.

**HB 802**, do pass. Report adopted.

**HB 803**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** ", "

**Strike:** "AND"

2. Title, page 1, line 7.

**Following:** "DATE"

**Insert:** ", AND A CONTINGENT TERMINATION DATE"

3. Page 2.

**Following:** line 11

**Insert:** "NEW SECTION. Section 6. Contingent termination. The voluntary income tax checkoff created in [section 1] terminates on January 1 of the first tax year following the 2 immediately preceding tax years in which the voluntary checkoff raises less than \$10,000 in each of those 2 tax years."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/1/2005

**HB 63**, introduced by Villa

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced and read first time:

**HB 804**, introduced by Milburn.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 410** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, L. Jones, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Stoker, Wagman, Wells, Witt.

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Total 33

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**HB 771 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 38 concurred** in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 56

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 43

Excused: None.

Total 0

Absent or not voting: Raser.

Total 1

**SB 77 concurred** in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley,

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Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: A. Olson, Waitschies.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Butcher.  
Total 1

**SB 81** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 123 failed** as follows:

Ayes: Becker, Branae, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Hiner, Jent, Jopek, Kaufmann, Keane, Lenhart, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, Parker, Sesso, Small-Eastman, Villa, Wagman, Wanzenried, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 44

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Everett, Franklin, Hawk, Heinert, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Windham, Witt.  
Total 56

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 126** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche,

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Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Balyeat, Bergren, D. Brown, R. Brown, Buzzas, Franklin, Gallik, Glaser, Hawk, Himmelberger, Koopman, Lange, Mendenhall, Morgan, B. Olson, Rice, Roberts, Sinrud, Stahl, Witt.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 206** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Balyeat, Everett, Hawk, Lake, Sales, Stahl, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 244** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Butcher, Everett, Hawk, Hendrick, Himmelberger, Lake, Malcolm, A. Olson, Ripley, Sales, Sinrud, Waitschies, Wells.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**SB 265 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 286 concurred in** as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Balyeat, Bixby, D. Brown, Everett, Heinert, Jackson, L. Jones, W. Jones, Koopman, Milburn, Peterson, Ripley, Sales, Sinrud, Sonju, Waitschies, Wells, Witt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 325 concurred in** as follows:

Ayes: Arntzen, Balyeat, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 67

Noes: Andersen, Barrett, Becker, R. Brown, Butcher, Caferro, Everett, Facey, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Kaufmann, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Wells, Windham, Windy Boy.  
Total 33

Excused: None.  
Total 0

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Absent or not voting: None.

Total 0

**SB 369** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Hendrick.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 401** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: D. Brown, Everett, Hendrick, Himmelberger, Koopman, Mendenhall, Morgan, Sales, Sinrud, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 451** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 86

Noes: D. Brown, R. Brown, Hawk, Koopman, Lange, Mendenhall, Sinrud, Sonju, Stahl, Warden, Wells, Witt.

Total 12

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Excused: None.  
Total 0

Absent or not voting: Keane, Sales.  
Total 2

**SB 479** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 21** concurred in as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Hawk, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Roberts, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells.  
Total 28

Excused: None.  
Total 0

Absent or not voting: W. Jones.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wagman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 329** - Representative Wanzenried moved **SB 329** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Waitschies, Wells, Witt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

**SJR 19** - Representative Maedje moved **SJR 19** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: D. Brown, Hawk, Jackson, W. Jones, Lake, MacLaren, McGillvray, B. Olson, Ross, Stoker, Wagman, Waitschies.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 23** - Representative Rice moved **SJR 23** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Lake, B. Olson, Stoker, Wagman, Waitschies.  
Total 5

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 762** - Representative R. Brown moved consideration of **HB 762** be placed below **HB 528** on the second reading board. Motion carried.

**HB 214** - Representative Sales moved **HB 214** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Cohenour, Driscoll, Facey, Furey, Glaser, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

Total 68

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Eaton, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Jayne, Juneau, Keane, Lindeen, McAlpin, Noonan, B. Olson, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**HB 461** - Representative Arntzen moved **HB 461** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, Butcher, Buzzas, Caferro, Driscoll, Facey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Taylor, Wagman, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 61

Noes: Branae, R. Brown, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Franklin, Furey, Galvin-Halcro, Golie, Gutsche, Harris, Hawk, Henry, Himmelberger, Hiner, Jayne, Juneau, Koopman, Lange, Lindeen, Noonan, B. Olson, Parker, Raser, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Wells, Wilson.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 756** - Representative Parker moved consideration of **HB 756** be placed at the bottom of the second reading board. Motion carried.

**HB 528** - Representative Koopman moved **HB 528** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, L. Jones, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan,

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Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Buzzas, Callahan, Clark, Furey, Galvin-Halcro, Golie, Groesbeck, Himmelberger, Jayne, Jent, W. Jones, Jopek, Juneau, Klock, Lindeen, Malcolm, McGillvray, Musgrove, Noennig, A. Olson, B. Olson, Ross, Stoker, Ward, Windham, Windy Boy.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wagman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Everett, Hawk, Heinert, Hendrick, Koopman, Mendenhall, B. Olson, Sinrud.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Arntzen, Henry, Sales, Wagman.  
Total 4

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wagman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 305** - Representative R. Brown moved consideration of **HB 305** be placed at the bottom of the second reading board. Motion carried.

**HB 762** - Representative John Balyeat moved **HB 762** do pass.

**HB 762** - Representative Waitschies moved **HB 762**, second reading copy, be amended as follows:

1. Page 1, line 24.  
**Strike:** "15%"  
**Insert:** "5%"  
**Strike:** "\$500,000"

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**Insert:** "\$100,000"

2. Page 3, line 1.

**Strike:** "15%"

**Insert:** "5%"

3. Page 3, line 1.

**Following:** "facility"

**Insert:** ", up to a total of \$100,000 for the facility or property installed in the facility"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Gallik, Glaser, Hamilton, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.

Total 54

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 762** - Representative John Balyeat moved **HB 762**, as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wagman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin,

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Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House recess until 5:00 p.m., Friday, April 1, 2005. Motion carried.

House recessed at 3:12 p.m.

House reconvened at 5:10 p.m.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Keane, Chairman):

4/1/2005

**SB 110**, be concurred in. Report adopted.

**SB 311**, be concurred in. Report adopted.

**SB 380**, be amended as follows:

1. Page 4, line 30.

**Following:** "state"

**Insert:** "and its affiliates, as defined in 33-2-1101"

2. Page 6, line 15.

**Strike:** "ADDRESS, TELEPHONE NUMBER"

**Insert:** "city, state"

**Following:** "TYPE"

**Insert:** "and, optionally, the address and telephone number"

3. Page 8, line 17.

**Following:** "section"

**Insert:** ", except that affiliates, as defined in 33-2-1101, that are selling medical care discount cards in Montana shall obtain a certificate of registration"

And, as amended, be concurred in. Report adopted.

**SB 457**, be concurred in and placed on the consent calendar. Report adopted.

**SB 486**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman):

4/1/2005

**SB 80**, be concurred in. Report adopted.

**SB 119**, be amended as follows:

1. Title, page 1, line 9.

**Following:** "COURT"



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**Insert:** "AND ABSENT OBJECTION BY A PARTY TO THE PROCEEDING"

2. Page 2, line 14.

**Following:** "court"

**Insert:** "and absent an objection by a party to the proceeding"

3. Page 3, line 13.

**Strike:** "may"

**Insert:** "shall"

4. Page 3, line 14.

**Following:** "safety"

**Insert:** ", history, and specific needs"

5. Page 3, line 28.

**Strike:** "Notice"

**Insert:** "Prior to the beginning of the review, reasonable notice"

6. Page 4, line 23.

**Following:** "its"

**Insert:** "minutes and"

7. Page 12, line 8.

**Following:** "court"

**Insert:** "and absent an objection by a party to the proceeding"

8. Page 13, line 12.

**Following:** "hearing, the"

**Insert:** "entity shall keep minutes of the hearing and the minutes and"

9. Page 16, line 22.

**Following:** "court"

**Insert:** "and absent an objection by a party to the proceeding"

And, as amended, be concurred in. Report adopted.

**SB 122**, be amended as follows:

1. Page 1, lines 22 through 27.

**Strike:** "means" on line 22 through "transfer" on line 27

**Insert:** "has the meaning provided in 28-2-801"

2. Page 2, line 7.

**Strike:** "financial"

3. Page 2, lines 18 through 20.

**Following:** the second "assignment" on line 18

**Strike:** "within" on line 18 through "act]" on line 20

**Insert:** ", as defined for federal tax purposes, of the liability to make periodic payments under a structured settlement"

4. Page 3, line 2.

**Strike:** "period"

**Insert:** "periodic"

5. Page 3, line 15.

**Following:** "payee"

**Strike:** "or transferee"

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6. Page 3, line 27.

**Strike:** "or other payment"

**Insert:** "and other payments to a broker or other intermediary"

7. Page 4, line 9.

**Following:** "transferred"

**Insert:** "structured"

8. Page 4, line 23.

**Following:** "right is"

**Insert:** "not"

9. Page 4, line 24.

**Following:** "issuer is"

**Insert:** "not"

10. Page 4, line 25.

**Strike:** "only if"

**Insert:** "unless"

11. Page 5, line 5.

**Strike:** "(1)"

12. Page 5, line 6.

**Following:** "12]"

**Strike:** ","

**Insert:** ";  
(1)"

13. Page 5, line 7.

**Following:** "transferee"

**Strike:** ","

**Insert:** ","

14. Page 5, line 8.

**Strike:** "The"

**Insert:** "the"

15. Page 5, line 14.

**Following:** "12]"

**Strike:** ","

**Insert:** "; and

(3) neither the structured settlement obligor nor the annuity issuer may be required to divide a periodic payment between a payee and a transferee or assignee or between two or more transferees or assignees."

16. Page 5, line 16.

**Strike:** "A payee or a transferee shall comply with"

**Insert:** "After the transfer of a structured settlement payment right pursuant to [sections 1 through 12], any further transfer by the payee is subject to"

17. Page 5, line 17.

**Following:** "12]"

**Strike:** "before making" through "right"

18. Page 7, line 9.

**Following:** "law"

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**Strike:** "OR CONTRACT"

And, as amended, be concurred in. Report adopted.

**SB 146**, be amended as follows:

1. Page 25, line 3.

**Following:** "subsection"

**Insert:** ", as adjusted pursuant to subsection (3)(a)(i),"

2. Page 86, line 28.

**Following:** "On"

**Strike:** "July 1, 2006"

**Insert:** "January 1, 2007, and on January 1, 2008"

3. Page 86, line 30.

**Strike:** "25%"

**Insert:** "12.5%"

**Strike:** "100%"

**Insert:** "25%"

4. Page 88, line 29.

**Following:** "MISSOULA COUNTY,"

**Insert:** "Flathead County,"

5. Page 89, line 13.

**Following:** "AUDITOR FOR"

**Insert:** "50% of"

6. Page 89, line 29.

**Following:** "MISSOULA COUNTY,"

**Insert:** "Flathead County,"

And, as amended, be concurred in. Report adopted.

**SB 196**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "A COURT FROM ENTERING A JUDGMENT OR ORDER"

**Insert:** "A FINAL ORDER OR JUDGMENT OR WRITTEN FINAL SETTLEMENT AGREEMENT"

2. Title, page 1, line 9.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 1, line 18.

**Following:** "that"

**Insert:** "endangers public safety or health and"

4. Page 1, line 19.

**Strike:** "an"

**Insert:** "a final"

5. Page 1, line 20 through line 21.

**Strike:** "THAT" on line 20 through "safety" on line 21

6. Page 1, line 22.

**Strike:** "court" through "contract"

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**Insert:** "final order or judgment entered or written final settlement agreement"

7. Page 1, line 22 through line 23.

**Strike:** "pursuant" on line 22 through "litigation" on line 23

8. Page 1, line 24.

**Strike:** "THAT" through "safety"

9. Page 1, line 25.

**Following:** "enforced."

**Insert:** "This section does not prohibit the parties from keeping the monetary amount of a written final settlement agreement confidential."

10. Page 2, line 7.

**Strike:** "court" through "contract"

**Insert:** "final order or judgment or written final settlement agreement"

11. Page 2, line 7 through line 9.

**Strike:** ". A" on line 7 through "section" on line 8

**Following:** the second "court" on line 8

**Strike:** "that" on line 8 through "8" on line 9

**Insert:** "in which the case was filed"

12. Page 2, line 10 through line 11.

**Strike:** "Upon" on line 10 through "the" on line 11

**Insert:** "The"

13. Page 2, line 19.

**Following:** "PROCEDURE"

**Insert:** "or to any materials produced under the order. Any materials used as exhibits may be publicly disclosed pursuant to the provisions of subsections (7) and (8)"

14. Page 2.

**Following:** line 24

**Insert:** "NEW SECTION. Section 4. Applicability. [This act] applies to causes of action filed after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

**SB 207**, be concurred in. Report adopted.

**SB 279**, be amended as follows:

1. Page 1, line 21.

**Insert:** "(c) A person may not be proceeded against for the same act or omission to act under both a municipal infraction ordinance and the corresponding state law criminal offense on which the municipal infraction ordinance is based."

And, as amended, be concurred in. Report adopted.

**SB 344**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "OR"

**Insert:** "DANGEROUS"

2. Page 1, line 28.

**Strike:** "drugs"

**Insert:** "dangerous drugs, as defined in 50-32-101,"

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3. Page 1, line 29.

**Following:** "or"

**Insert:** "dangerous"

And, as amended, be concurred in. Report adopted.

**SB 381**, be concurred in. Report adopted.

**SB 406**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "PROVIDING" on line 6 through "INDIGENTS;" on line 7

2. Page 3, line 20 through page 4, line 21.

**Strike:** section 3 through section 5 in their entirety

And, as amended, be concurred in. Report adopted.

**SB 407**, be concurred in. Report adopted.

**SB 452**, be amended as follows:

1. Page 2, line 7.

**Strike:** "up to"

**Strike:** "36"

**Insert:** "72"

2. Page 2, line 13.

**Strike:** "up to"

**Strike:** "36"

**Insert:** "72"

And, as amended, be concurred in. Report adopted.

**SB 504**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

4/1/2005

**SB 109**, be concurred in. Report adopted.

**SB 288**, be concurred in. Report adopted.

**SB 295**, be concurred in. Report adopted.

**SB 299**, be concurred in. Report adopted.

**SB 333**, be concurred in. Report adopted.

**SB 335**, be concurred in and placed on consent calendar. Report adopted.

**SB 370**, be concurred in. Report adopted.

**SB 396**, be amended as follows:

1. Title, page 1, line 5.

**Following:** "~~EXPENDITURES~~"

**Insert:** "AND EXPENDITURES"

**Strike:** "SECTIONS 13-37-216 AND"

**Insert:** "SECTION"

2. Page 1, line 10 through page 2, line 12.

**Strike:** section 1 in its entirety

**Renumber:** subsequent section

3. Page 2, line 29.

**Following:** "and"

**Insert:** "[section 2] and"

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4. Page 3.

**Following:** line 14

**Insert:** "NEW SECTION. Section 2. Supreme court candidates -- limits on independent expenditures -- definition. (1) Subject to 13-35-231, a political committee may not make an independent expenditure to support or oppose a candidate for justice of the supreme court in excess of \$1,300 for each election in a campaign.

(2) For purposes of this section, "independent expenditure" means an expenditure for communications expressly advocating the success or defeat of a candidate for justice of the supreme court that is not made with the cooperation or prior consent of, in consultation with, or at the request or suggestion of a candidate or political committee or an agent of a candidate or political committee."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 2]."

And, as amended, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wagman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 592** - Representative Waitschies moved **HB 592** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Buzzas, Caferro, Dickenson, Furey, Galvin-Halcro, Jayne, Kaufmann.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 639** - Representative Peterson moved consideration of **HB 639** be passed for the day. Motion carried.

**HB 776** - Representative Raser moved **HB 776** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock,

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Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, B. Olson, Roberts, Sales, Sinrud, Stoker, Taylor, Wagman, Ward, Wells.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 756** - Representative Parker moved consideration of **HB 756** be passed for the day. Motion carried.

**HB 305** - Representative Arntzen moved **HB 305** do pass.

**HB 305** - Representative Arntzen moved **HB 305**, second reading copy, be amended as follows:

1. Page 21, line 4.

**Insert:** "NEW SECTION. Section 28. Contingent voidness. If the director of the department of public health and human services certifies to the governor and to the secretary of state in writing that the federal office of child support enforcement has notified the director that implementation of [this act] will result in federal disapproval of the Title IV-D state child support enforcement plan, then [this act] is void. The director shall also notify the code commissioner in writing of the occurrence of this contingency."

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 305** - Representative Arntzen moved **HB 305**, as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wagman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Arntzen, Butcher, Everett, Hawk, Himmelberger, W. Jones, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, Rice, Sales, Sinrud, Taylor, Wells, Witt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Wagman.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Galvin-Halcro, Chairman): 4/1/2005  
**SB 419**, be concurred in. Report adopted.

**HUMAN SERVICES** (Becker, Chairman): 4/1/2005  
**SB 33**, be concurred in. Report adopted.  
**SB 46**, be concurred in. Report adopted.

**MOTIONS**

Rep. Windy Boy moved SB 320 be withdrawn from the Agriculture Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 86

Noes: Clark, Golie, Grinde, Harris, Jacobson, Jopek, Koopman, McAlpin, Raser, Sinrud, Wanzenried, Windham, Wiseman.  
Total 13

Excused: None.



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Total 0

Absent or not voting: Arntzen.

Total 1

Rep. Bergren moved the House reconsider its action on HB 771 on 3rd Reading on April 1, 2005, for the purpose of placing HB 771 on 3rd Reading on April 2, 2005. Motion passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Clark moved to suspend the House rules to allow for the late introduction and transmittal of two bills which will amend the Montana initiative process. This requires a 2/3 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Golie, Koopman, Sinrud.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Bergren moved the House reconsider its action on SB 265 on 3rd Reading on April 1, 2005, for the purpose of placing SB 265 on 3rd Reading on April 2, 2005. Motion passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 347. There being no questions, this bill will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, April 2, 2005. Motion carried.

House adjourned at 6:36 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTIETH LEGISLATIVE DAY

Helena, Montana  
April 2, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Roy Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Sinrud, excused. Quorum present.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 8:30 a.m.

House reconvened at 8:37 a.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Republican Leader Roy Brown stating that pursuant to House Rule 40-220, he requests that HB 63 be re-referred from the House Floor to the House Education Committee.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 4/2/2005  
Correctly printed: **HB 80, HB 109, HB 110, HB 207, HB 214, HB 288, HB 295, HB 299, HB 311, HB 333, HB 370, HB 381, HB 407, HB 461, HB 486, HB 504, HB 528, HB 592, HB 703, HB 776, HB 784, HB 802.**

**HUMAN SERVICES** (Becker, Chairman): 4/2/2005  
**SB 481**, be amended as follows:

1. Page 22, line 17.

**Strike:** "more than 50% responsible for"

**Insert:** "the major contributing cause of"

2. Page 38, line 3.

**Insert:** "NEW SECTION. Section 41. Direction to code commissioner. The code commissioner is directed to change any reference to chapter 72 of Title 39 that appears in legislation enacted by the 2005 legislature to a reference to chapter 71 of Title 39."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

**House bill** concurred in and returned to the House: 4/2/2005

**HB 280**, introduced by Wagman

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/2/2005

**HB 40**, introduced by Harris

**HB 68**, introduced by Andersen

**HB 159**, introduced by McKenney

**HB 295**, introduced by Galvin-Halcro

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**HB 331**, introduced by Wanzenried  
**HB 348**, introduced by Buzzas  
**HB 361**, introduced by Gallik  
**HB 453**, introduced by Furey  
**HB 681**, introduced by Raser  
**HB 721**, introduced by Parker

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 756** - Representative Gutsche moved **HB 756** do pass.

**HB 756** - Representative Waitschies moved **HB 756**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Voted Absentee: Sinrud, Aye; Bixby, Juneau, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 756** - Do pass motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 64

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wells.  
Total 36

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Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 529** - Representative Kaufmann moved **HB 529** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Barrett, Everett, Hawk, L. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wells, Witt.  
Total 21

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 703** - Representative Bergren moved **HB 703** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Musgrove, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Wells.  
Total 36

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 741** - Representative Peterson moved **HB 741** do pass.

**HB 741** - Representative Peterson moved **HB 741**, second reading copy, be amended as follows:

1. Title, page 1, line 28.

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**Following:** "TO"

**Insert:** "PUBLIC SCHOOLS FOR DIRECT STATE AID AND TO"

2. Page 24, line 20.

**Strike:** "-- exception"

**Strike:** "Except" through "the"

**Insert:** "The"

3. Page 24, line 22.

**Strike:** "(a)"

4. Page 24, line 23 through line 24.

**Strike:** "is" on line 23 through "]" on line 24

**Insert:** "for a period of 1 month or more is nontaxable"

5. Page 24, line 25 through line 27.

**Strike:** subsection (b) in its entirety

6. Page 24, line 28 through page 25, line 9.

**Strike:** subsection (3) through subsection (4) in their entirety

**Insert:** "(3) The inclusion of furniture or appliances furnished by the landlord or lessor as part of a leased or rented dwelling, house, mobile home, manufactured home, condominium, townhouse, cabin, apartment, or other space leased or rented as a dwelling is nontaxable."

7. Page 34, line 9.

**Strike:** "University"

**Insert:** "Direct state aid -- university"

8. Page 34.

**Following:** line 22

**Insert:** "(1) For fiscal year 2007 and for each subsequent fiscal year, there is statutorily appropriated, as provided in 17-7-502, from the state general fund the amount necessary, as certified by the superintendent of public instruction, to fully fund direct state aid for 80% of the basic entitlement, as defined in 20-9-306, and 80% of the total per-ANB entitlement, as defined in 20-9-306, for the general fund budgets of elementary schools and high schools and 40% of the special education allowable cost payments, as described in 20-9-321, for elementary schools and high schools. The amount appropriated in this subsection is for distribution as provided for in 20-9-344 and 20-9-347, as applicable."

**Renumber:** subsequent subsections

9. Page 84, line 11.

**Strike:** "26.28%"

**Insert:** "23.36%"

10. Page 84, line 12.

**Strike:** "44.82%"

**Insert:** "42.9%"

11. Page 84, line 13

**Strike:** "30.83%"

**Insert:** "25.15%"

12. Page 84, line 14.

**Strike:** "42.2%"

**Insert:** "40.04%"

13. Page 84, line 15.

**Strike:** "50.68%"

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**Insert:** "47.19%"

14. Page 84, line 16.  
**Strike:** "32.55%"  
**Insert:** "26.71%"

15. Page 84, line 17.  
**Strike:** "34.92%"  
**Insert:** "32.13%"

16. Page 84, line 18.  
**Strike:** "29.18%"  
**Insert:** "25.77%"

17. Page 84, line 19.  
**Strike:** "40.52%"  
**Insert:** "30.12%"

18. Page 84, line 20.  
**Strike:** "34.21%"  
**Insert:** "32.45%"

19. Page 84, line 21.  
**Strike:** "34.04%"  
**Insert:** "26.61%"

20. Page 84, line 22.  
**Strike:** "34.08%"  
**Insert:** "24.95%"

21. Page 84, line 23.  
**Strike:** "40.45%"  
**Insert:** "32.46%"

22. Page 84, line 24.  
**Strike:** "41.59%"  
**Insert:** "38.09%"

23. Page 84, line 25.  
**Strike:** "34.17%"  
**Insert:** "29.83%"

24. Page 84, line 26.  
**Strike:** "34.21%"  
**Insert:** "31.45%"

25. Page 84, line 27.  
**Strike:** "26.78%"  
**Insert:** "18.62%"

26. Page 84, line 28.  
**Strike:** "38.49%"  
**Insert:** "34.45%"

27. Page 84, line 29.  
**Strike:** "34.43%"  
**Insert:** "28.65%"

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28. Page 84, line 30.

**Strike:** "47.12%"

**Insert:** "45.4%"

29. Page 85, line 1.

**Strike:** "28.69%"

**Insert:** "26.04%"

30. Page 85, line 2.

**Strike:** "32.2%"

**Insert:** "27.92%"

31. Page 85, line 3.

**Strike:** "27.19%"

**Insert:** "22.43%"

32. Page 85, line 4.

**Strike:** "22.16%"

**Insert:** "12.3%"

33. Page 85, line 5.

**Strike:** "33.87%"

**Insert:** "29.45%"

34. Page 85, line 6.

**Strike:** "35.35%"

**Insert:** "30.64%"

35. Page 85, line 7.

**Strike:** "40.64%"

**Insert:** "35.94%"

36. Page 85, line 8.

**Strike:** "30.62%"

**Insert:** "27.95%"

37. Page 85, line 9.

**Strike:** "39.96%"

**Insert:** "35.04%"

38. Page 85, line 10.

**Strike:** "30.83%"

**Insert:** "25.5%"

39. Page 85, line 11.

**Strike:** "39.03%"

**Insert:** "37.14%"

40. Page 85, line 12.

**Strike:** "28.05%"

**Insert:** "21.35%"

41. Page 85, line 13.

**Strike:** "33.12%"

**Insert:** "28.72%"

Amendment adopted as follows:



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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, R. Brown, Buzzas, Clark, Dickenson, Driscoll, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: Balyeat, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Dowell, Eaton, Franklin, Furey, Golie, Groesbeck, Hiner, Jacobson, Jayne, W. Jones, Jopek, Kaufmann, Koopman, Noonan, Sales, Sesso, Small-Eastman, Villa, Windy Boy.  
Total 26

Excused: Bixby, Juneau, Sinrud.  
Total 3

Absent or not voting: None.  
Total 0

**HB 741** - Representative Keane moved for cloture. Motion carried on a voice vote.

**HB 741** - Representative Peterson moved **HB 741**, as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Driscoll, Everett, Jent, L. Jones, Klock, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Witt, Mr. Speaker.  
Total 36

Noes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Mendenhall, Musgrove, Noonan, Parker, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 64

Voted Absentee: Bixby, Juneau, Sinrud, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 639** - Representative Peterson moved consideration of **HB 639** be placed below **SB 29** on the second reading board. Motion carried.

**HB 764** - Representative Villa moved **HB 764** do pass.

**HB 764** - Representative Ross moved for cloture. Motion carried on a voice vote.

**HB 764** - Do pass motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 50

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 787** - Representative Maedje moved **HB 787** do pass.

**HB 787** - Representative Jent moved for cloture. Motion carried on a voice vote.

**HB 787** - Do pass motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Driscoll, Everett, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Voted Absentee: Sinrud, Aye; Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 802** - Representative A. Olson moved **HB 802** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 80

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Cohenour, Eaton, Furey, Gallik, Grinde, Gutsche, Hamilton, Harris, Jacobson, Jayne, Jopek, Kaufmann, McAlpin, Wiseman.

Total 19

Voted Absentee: Sinrud, Aye; Bixby, No.

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Excused: None.  
Total 0

Absent or not voting: Juneau.  
Total 1

**HB 803** - Representative Stahl moved **HB 803** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Keane, Klock, Lenhart, Maedje, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noonan, B. Olson, Ripley, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 55

Noes: Balyeat, Bixby, R. Brown, Buzzas, Callahan, Dowell, Everett, Gallik, Galvin-Halcro, Hamilton, Harris, Hawk, Himmelberger, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Ross, Sales, Sinrud, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Windham.  
Total 45

Voted Absentee: Bixby, Sinrud, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 21** - Representative Roberts moved **SB 21** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: Glaser, Maedje.  
Total 2

**SB 298** - Representative Warden moved **SB 298** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

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McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 322** - Representative Roberts moved **SB 322** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 363** - Representative Raser moved **SB 363** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 373** - Representative Lange moved **SB 373** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Jayne, Koopman, Sales, Sinrud, Villa, Ward.  
Total 7

Voted Absentee: Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 388** - Representative D. Brown moved **SB 388** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: McKenney, Villa, Windy Boy.  
Total 3

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: L. Jones.  
Total 1

**SB 460** - Representative Ward moved **SB 460** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 95

Noes: Lambert, A. Olson, B. Olson, Waitschies.

Total 4

Voted Absentee: Sinrud, Aye.

Excused: None.

Total 0

Absent or not voting: Wagman.

Total 1

**SB 153** - Representative Bergren moved consideration of **SB 153** be placed at the top of the second reading board. Motion carried.

**SB 153** - Representative Facey moved **SB 153** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Butcher, B. Olson, Sinrud, Stahl, Stoker, Wagman, Waitschies.

Total 7

Voted Absentee: Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Hendrick.

Total 1

**SJR 4** - Representative Noennig moved **SJR 4** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Everett, Hawk, Lake, Ross, Sales, Sinrud, Waitschies.

Total 7

Voted Absentee: Sinrud, No.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SJR 7** - Representative D. Brown moved **SJR 7** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 67

Noes: Balyeat, Bixby, R. Brown, Butcher, Heinert, Hendrick, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Small-Eastman, Stahl, Wagman, Waitschies, Wells, Witt.  
Total 33

Voted Absentee: Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Facey assumed the Chair.

**SJR 12** - Representative Branae moved **SJR 12** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 84

Noes: Andersen, Balyeat, Butcher, Everett, Glaser, Heinert, Lake, McNutt, Ripley, Ross, Sinrud, Wagman, Waitschies, Windham.  
Total 14

Voted Absentee: Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman, Wiseman.  
Total 2

**SJR 17** - Representative Bergren moved consideration of **SJR 17** be placed after **SB 40** on the second reading board. Motion carried.

**SB 29** - Representative Roberts moved **SB 29** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann,

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Keane, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 63

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jent, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Ward, Warden, Wells.

Total 35

Voted Absentee: Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Peterson, Taylor.

Total 2

**HB 639** - Representative Peterson moved **HB 639**, do pass.

**HB 639** - Representative Peterson moved **HB 639**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "ELECTION"

**Insert:** "IF A GENERAL STATEWIDE SALES TAX OR USE TAX IS ENACTED"

2. Page 1, line 12.

**Following:** "tax"

**Insert:** "with sales tax"

3. Page 1, line 14.

**Strike:** "State"

**Insert:** "If a general statewide sales tax or use tax is enacted, state"

4. Page 1, line 20.

**Strike:** "that"

**Strike:** "governments"

5. Page 1, line 21.

**Strike:** "districts levy"

**Following:** "taxes"

**Insert:** ", "

**Following:** "ELECTORATE"

**Insert:** ", if a sales tax is enacted"

6. Page 1, line 22.

**Strike:** "that"

**Strike:** "governments"

7. Page 1, line 23.

**Strike:** "districts levy"

**Following:** "taxes"

**Insert:** ", "

**Following:** "ELECTORATE"

**Insert:** ", if a sales tax is enacted"

8. Page 1, line 25 through line 26.

**Strike:** section 3 in its entirety



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Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Furey, Glaser, Grinde, Gutsche, Harris, Hawk, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 63

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Villa.  
Total 34

Excused: Sinrud.  
Total 1

Absent or not voting: Clark, Himmelberger.  
Total 2

**HB 639** - Representative Peterson moved **HB 639** as amended, do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Witt, Mr. Speaker.  
Total 47

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windy Boy, Wiseman.  
Total 53

Voted Absentee: Sinrud, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 32** - Representative Arntzen moved **SB 32** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Barrett, Everett, Hawk, Heinert, Himmelberger, Koopman, Lake, Malcolm, Mendenhall, Morgan, Musgrove, B. Olson, Ross, Sales, Sinrud, Wells.  
Total 16

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Voted Absentee: Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Caferro, Rice.

Total 2

**SB 40** - Representative Stahl moved **SB 40** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Jayne, Koopman, Sinrud.

Total 3

Voted Absentee: Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**SJR 17** - Representative Wiseman moved **SJR 17** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wells.

Total 34

Voted Absentee: Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 127** - Representative Noonan moved **SB 127** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner,

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Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Everett, Glaser, Himmelberger, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Sales, Sinrud, Wells.  
Total 13

Voted Absentee: Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**SB 167** - Representative Bergren moved consideration of **SB 167** be moved to the bottom of the second reading board. Motion carried.

**SB 264** - Representative Driscoll moved **SB 264** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Everett, Malcolm.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Glaser, Maedje.  
Total 2

Dem. Floor Leader Parker moved the committee rise and report and beg to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Everett, Hawk, Koopman, Mendenhall, Rice, Sales, Wells.  
Total 7

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Excused: None.  
Total 0

Absent or not voting: Bixby, Juneau.  
Total 2

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzonried stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take HB 784 from the House Taxation Committee and place it on 2nd Reading on April 2, 2005.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Becker, Chairman):  
**SB 154**, be amended as follows:

4/2/2005

1. Page 1, line 22 through line 25.

**Following:** "~~The~~" on line 22

**Strike:** remainder of line 22 through line 25

**Insert:** "In operating the program and providing health services, the department may:

(a) pay providers on a fee-for-service basis in a self-funded program and contract with an insurance company, third-party administrator, or other entity to provide administrative services, including but not limited to processing and payment of claims with program funds;

(b) purchase health coverage for eligible children from an insurance company or other entity through premiums, capitated payments, or other appropriate methods;

(c) purchase health coverage as provided in subsection (2)(b) for some types of health services and contract directly with providers for other types of health services on a fee-for-service basis."

2. Page 1, line 26.

**Following:** "(3)"

**Insert:** "(a)"

3. Page 1, line 27.

**Following:** "program" on line 27

**Insert:** "as provided in subsection (2)(b) or (2)(c), not more than 10% of the contract payment may be used for administrative expenses, including"

4. Page 1, line 28 through line 29.

**Strike:** page 1, line 28 through "payment of" on line 29

**Insert:** "(i)"

5. Page 1, line 30 through page 2, line 4.

**Strike:** "(b)" on page 1, line 30 through "premiums." on page 2, line 4

**Insert:** "(ii) risk charges; and

(iii) any applicable assessments, fees, and taxes.

(b) Administrative expenses may not include eligibility determination, advertising, and outreach for the program."

And, as amended, be concurred in. Report adopted.

**SB 324**, be amended as follows:

1. Title, line 12.

**Strike:** "AND"

**Following:** "53-6-1013,"

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**Insert:** "AND 53-6-1201,"

2. Page 2, line 5 through line 13.

**Strike:** subsection (7) in its entirety

3. Page 3, line 6.

**Strike:** "commodity"

**Insert:** "drug"

4. Page 3, line 10.

**Strike:** "the"

**Insert:** "a"

5. Page 3, line 11 through line 12.

**Following:** "25%"

**Strike:** remainder of line 11 through "determined" on line 12

**Insert:** "set"

**Following:** "department"

**Insert:** "by rule"

6. Page 5, line 9.

**Following:** "pharmacy"

**Insert:** "or a pharmaceutical manufacturer"

7. Page 5, line 10.

**Following:** line 9

**Insert:** "(10) (a) The department may not contract with either an in-state or out-of-state mail service pharmacy, as defined in 37-7-702, for the purposes of the program for at least 1 year after persons eligible for the program have begun to purchase drugs through the program. At that time, the department shall evaluate the number of pharmacies within the state providing prescription drugs as part of the program.

(b) If the department determines that there are insufficient pharmacies participating in the program to allow reasonable access to persons qualified to purchase prescription drugs through the program, it may, after the evaluation provided for in subsection (10)(a), use one or more in-state or out-of-state mail service pharmacies, or both, for the purposes of the program."

8. Page 7, line 5.

**Insert:** "**Section 9.** Section 53-6-1201, MCA, is amended to read:

**"53-6-1201. Special revenue fund -- health and medicaid initiatives.** (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(c); ~~and~~

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-206(1)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to maximize enrollment of eligible children under the children's health insurance program, provided for under Title 53, chapter 4, part 10, and to provide outreach to the eligible children. The increased revenue in this account is intended to increase enrollment rates for eligible children in the program and not to be used to support existing levels of enrollment based upon appropriations for the biennium ending June 30, 2005.

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits or to fund new programs to assist small businesses with the costs of providing health insurance benefits to employees, if these tax credits or programs are established by the legislature after the effective date of this section.

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(4) (a) Except for \$1 million appropriated for startup costs related to [sections 1 and 2], the money appropriated for fiscal year 2006 for the program in subsection (3)(b) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section or December 1, 2005, whichever occurs earlier.

(b) On or before July 1, the budget director shall calculate a balance required to sustain the program in subsection (3)(b) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the department may expend the revenue for the program as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify the department. Upon receipt of the notification, the department shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section."

**Insert:** "NEW SECTION. Section 10. Contingency on expenditure. [Sections 1 through 3] and Title 53, chapter 6, part 10, may not be construed to require implementation or ongoing operation of the program under 53-6-1201(3)(b) without a line item appropriation in the general appropriations bill included for that purpose."

**Renumber:** subsequent sections

9. Page 7, line 8.

**Following:** "through 3"

**Insert:** "and 10"

10. Page 7, line 10.

**Following:** "through 3"

**Insert:** "and 10"

11. Page 7, line 11.

**Insert:** "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 667 and this bill are both passed and approved, section 53-6-1201 must read as follows:

"53-6-1201. Special revenue fund -- health and medicaid initiatives. (1) There is a health and medicaid initiatives account in the state special revenue fund established by 17-2-102. This account is to be administered by the department of public health and human services.

(2) There must be deposited in the account:

(a) money from cigarette taxes deposited under 16-11-119(1)(c); ~~and~~

(b) money from taxes on tobacco products other than cigarettes deposited under 16-11-206(1)(b); and

(c) any interest and income earned on the account.

(3) This account may be used only to provide funding for:

(a) the state funds necessary to take full advantage of available federal matching funds in order to maximize enrollment of eligible children under the children's health insurance program, provided for under Title 53, chapter 4, part 10, and to provide outreach to the eligible children. The increased revenue in this account is intended to increase enrollment rates for eligible children in the program and not to be used to support existing levels of enrollment based upon appropriations for the biennium ending June 30, 2005.

(b) a new need-based prescription drug program established by the legislature for children, seniors, chronically ill, and disabled persons that does not supplant similar services provided under any existing program;

(c) increased medicaid services and medicaid provider rates. The increased revenue is intended to increase medicaid services and medicaid provider rates and not to supplant the general fund in the trended traditional level of appropriation for medicaid services and medicaid provider rates.

(d) an offset to loss of revenue to the general fund as a result of new tax credits; ~~or~~

(e) to fund new programs to assist eligible small businesses employers with the costs of providing health insurance benefits to eligible employees, if these tax credits or programs are established by the legislature after the effective date of this section;

(f) the cost of administering the tax credit, the purchasing pool, and the premium incentive payments and premium assistance payments as provided in [sections 1 through 9 in House Bill No. 667]; and

(g) to provide a state match for the medicaid program for premium incentive payments or premium assistance payments to the extent that a waiver is granted by federal law as provided in [section 10 in House Bill No. 667].

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(4) (a) Except for \$1 million appropriated for the startup costs of [sections 1 and 2 in Senate Bill No. 324], the money appropriated for fiscal year 2006 for the programs in subsections (3)(b) and (3)(d) through (3)(g) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section or December 1, 2005, whichever occurs earlier.

(b) On or before July 1, the budget director shall calculate a balance required to sustain each program in subsection (3) for each fiscal year of the biennium. If the budget director certifies that the reserve balance will be sufficient, then the agencies may expend the revenue for the programs as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify each agency. Upon receipt of the notification, the agency shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) Until the programs or credits described in subsections (3)(b) and (3)(d) are established, the funding must be used exclusively for the purposes described in subsections (3)(a) and (3)(c).

(5) The phrase "trended traditional level of appropriation", as used in subsection (3)(c), means the appropriation amounts, including supplemental appropriations, as those amounts were set based on eligibility standards, services authorized, and payment amount during the past five biennial budgets.

(6) The department of public health and human services may adopt rules to implement this section.""

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 328**, be amended as follows:

1. Page 1, line 13.

**Strike:** "five"

**Insert:** "6 and no more than 10"

2. Page 1, line 17.

**Strike:** "and"

3. Page 1, line 18.

**Following:** "epidemiologist"

**Insert:** "; and"

(f) a cervical cancer survivor"

4. Page 1, line 21.

**Strike:** "with a specific expertise"

5. Page 1, line 25 through line 27.

**Following:** "cancer" on line 25

**Strike:** remainder of line 25 through "education" on line 27

6. Page 1, line 28.

**Insert:** ", including any newly introduced vaccines"

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman):

4/2/2005

**SB 104**, be amended as follows:

1. Page 5, line 5.

**Following:** "proximate"

**Insert:** "visual"

2. Page 5, line 16.

**Following:** "OF"

**Insert:** "or attend a school in"

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And, as amended, be concurred in. Report adopted.

**SB 139**, be amended as follows:

1. Page 19, line 12.

**Following:** "~~jurisdiction~~"

**Insert:** "or a court of another jurisdiction"

2. Page 19, line 16.

**Following:** "~~proceedings~~"

**Insert:** ", if that order was entered by a Montana district court. If the order was entered by a court of another jurisdiction, the order must be filed with and approved by a Montana district court that is an appropriate court under the Montana laws or rules of court governing jurisdiction and venue in civil proceedings"

3. Page 19, line 19 through line 20.

**Strike:** "by" on line 19 through "Procedure" on line 20

**Insert:** "personally or by certified mail, return receipt requested"

4. Page 19, line 21.

**Strike:** "mailing" through "record"

**Insert:** "signing of the return receipt"

And, as amended, be concurred in. Report adopted.

**SB 204**, be concurred in. Report adopted.

**SB 231**, be amended as follows:

1. Title, page 1, line 9.

**Following:** "COST OF"

**Insert:** "OBTAINING OR"

2. Title, page 1, line 13 through line 14.

**Strike:** "BEGINS" on line 13 through "DEMAND" on line 14

**Insert:** "IS 6 YEARS FROM THE DATE OF THE DEMAND FOR PAYMENT OF A SERVICE CHARGE"

3. Page 2, line 19.

**Strike:** "15"

**Insert:** "20"

4. Page 2, line 28 through line 29.

**Strike:** ", WHO SHALL" on line 28 through "SUBSECTION (1)" on line 29

5. Page 3, line 3.

**Following:** "incurred to"

**Insert:** "obtain or"

6. Page 6, line 3 through line 5.

**Strike:** "begins" on line 3 through "BEYOND" on line 5

**Insert:** "is"

7. Page 6, line 5 through line 6.

**Strike:** "ORIGINAL" on line 5 through "NOTICE" on line 6

**Insert:** "demand under subsection (2)"

8. Page 6, line 15.

**Strike:** "(1)"



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9. Page 6, line 16.

**Strike:** "A"

**Insert:** "Unless otherwise provided by law, a"

10. Page 6, line 23 through page 7, line 3.

**Strike:** subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):

4/2/2005

**SB 124**, be concurred in. Report adopted.

**SB 142**, be concurred in. Report adopted.

**SB 143**, be concurred in. Report adopted.

**SB 489**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Following:** "AT" on line 6

**Insert:** "CERTAIN"

**Strike:** "FOR" on line 6 through "LIABLE" on line 7

2. Title, page 1, line 8.

**Following:** "ACT"

**Insert:** "AND FOR CONDUCTING REMEDIATION ACTIVITIES AT OTHER FACILITIES FOR WHICH THERE ARE NO POTENTIALLY LIABLE PERSONS WHO HAVE THE FINANCIAL RESOURCES TO REMEDIATE THE SITE WITHOUT FINANCIAL ASSISTANCE"

3. Page 5, line 23.

**Strike:** "subsections (9) and (10)"

**Insert:** "subsections (9) through (11)"

4. Page 7, line 16 through line 17.

**Strike:** "of" on line 16 through "conservation" on line 17

5. Page 7, line 17.

**Following:** "costs"

**Insert:** "incurred by the department in contracting"

6. Page 7, line 19.

**Strike:** "facilities" through "part 7."

**Insert:** "the Kalispell pole and timber, reliance refinery company, and Yale oil corporation facility complex. If the department spends less than \$1.5 million for those purposes, the remaining funds must be spent for remediation of the facility complex. The department may not seek recovery of the \$1.5 million from potentially liable persons."

7. Page 7, line 23.

**Following:** Line 22

**Insert:** "(b) The department shall consult with the noticed potentially liable persons regarding contractor selection and determination of the scope of the work for contract tasks. The department shall also provide the noticed potentially liable persons with contract performance updates and shall consult with the noticed potentially liable persons regarding expenses and progress on contract tasks.

(c) The department shall contract for the compilation, assessment, and summarization of the existing data pertaining to the complex described in subsection (10)(a), for recommendations for and conducting of additional investigations and studies necessary to develop remediation alternatives and for development and assessment of remediation alternatives.

**Renumber:** subsequent subsections

8. Page 7, line 23.

**Following:** "(B)"

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**Strike:** "THE"

**Insert:** "Unless the department is delayed by a challenge to a contracting action, multiple contractor selection processes, or other unanticipated circumstances, the"

9. Page 7, line 25.

**Strike:** "OCTOBER"

**Insert:** "December"

10. Page 7.

**Following:** line 25

**Insert:** "(iii) The contract or contract task order for investigations, studies, and development and evaluation of final remediation alternatives must be in place by April 30, 2006."

**Renumber:** subsequent subsections

11. Page 7, line 26.

**Strike:** "JULY 31"

**Insert:** "November 30"

12. Page 7, line 28.

**Strike:** "(10)(D)"

**Insert:** "(10)(f)"

13. Page 8, line 1.

**Strike:** "AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

**Following:** "SHALL"

**Strike:** "JOINTLY"

14. Page 8, line 2.

**Strike:** "THE BIENNIUM THAT BEGINS JULY 1, 2005"

**Insert:** "calendar years 2005, 2006, and 2007"

15. Page 8, line 3.

**Strike:** "(10)(B)"

**Insert:** "(10)(d)"

**Strike:** "JOINT REPORTS"

**Insert:** "report"

16. Page 8, line 5.

**Strike:** "(10)(B)(I) THROUGH (10)(B)(IV)"

**Insert:** "(10)"

17. Page 8, line 7.

**Strike:** "AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

18. Page 8, line 9.

**Strike:** "FALL OF 2006"

**Insert:** "spring of 2007"

19. Page 8, line 10.

**Strike:** "AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION"

20. Page 8, line 12.

**Strike:** "(10)(A)"

**Insert:** "(10)(c)"

21. Page 8, line 13.

**Insert:** "(11) (a) Subject to subsections (11)(b) and (11)(c), for the biennium beginning July 1, 2005, funds from the orphan share account may be used by the department to pay remediation costs at facilities at which there have

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been releases and for which:

(i) there are no potentially liable persons; or  
(ii) (A) the department determines that some or all of the potentially liable persons do not have sufficient financial resources to pay the costs of remediation; and

(B) the department enters into a cost-share agreement with all potentially liable persons whom the department determines have the financial ability to contribute to the remediation. The cost-share agreement must provide that those persons will pay a proportionate share of the remediation costs, as determined by the department, taking into account their ability to pay.

(b) To be eligible for funding under subsection (11)(a), a facility that is an abandoned mine site must have been identified as a priority site on the department's priority mine sites list.

(c) The department may use funds provided in subsection (11)(a) only if the use:

(i) would not preclude the use of the funds under subsection (1); and  
(ii) would leave the orphan share fund with a balance at the end of the biennium beginning July 1, 2005, that, with anticipated deposits, is adequate to fund the anticipated orphan shares in the allocation processes for which a petition was filed pursuant to 75-10-745 prior to [the effective date of this act] and all future transfers and expenditures that are required by laws existing on [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

4/2/2005

**HB 784**, without recommendation. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 771 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 265 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 214** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Facey, Furey, Glaser, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Balyeat, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Eaton, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Henry, Jayne, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, B. Olson, Raser, Small-Eastman, Villa, Wanzenried, Wilson.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 461** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Driscoll, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 75

Noes: Becker, Bixby, Branae, Campbell, Clark, Dowell, Eaton, Franklin, Golie, Groesbeck, Gutsche, Hawk, Henry, Hiner, Jayne, Koopman, Musgrove, Noonan, B. Olson, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wells.  
Total 25

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 528** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Hiner, Jackson, Jacobson, L. Jones, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren,

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Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Raser, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wiseman, Witt, Mr. Speaker.  
Total 62

Noes: Bergren, Buzzas, Caferro, Callahan, Clark, Dowell, Galvin-Halcro, Golie, Groesbeck, Gutsche, Henry, Himmelberger, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lindeen, Malcolm, McGillvray, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Ross, Sesso, Small-Eastman, Stoker, Ward, Wilson, Windham, Windy Boy.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 592** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Buzzas, Furey, Galvin-Halcro, Jayne.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 776** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Barrett, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Morgan, Sales, Sinrud, Stoker, Wagman, Ward, Wells.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 329** concurred in as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Koopman, Lake, Lange, Malcolm, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Waitschies, Ward, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 19** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Hawk, Jackson, W. Jones, Lake, MacLaren, Milburn, B. Olson, Ross, Stoker, Wagman, Waitschies, Witt.

Total 12

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

**SJR 23** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Himmelberger, Lake, Morgan, B. Olson, Wagman, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 347** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Everett, Mendenhall, Sales, Sinrud, Ward, Wilson.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Rep. Keane moved the House reconsider its action on SB 123 on April 1, 2005, and place it back on 2nd Reading on April 4, 2005. Motion passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Gallik, Hawk, Heinert, Hendrick, Jackson, Koopman, Lake, McGillvray, McKenney, McNutt, Milburn, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Jopek moved that SB 337 be withdrawn from the Natural Resources Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick,

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Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 294** - Representative Dickenson moved **SB 294** be concurred in.

**SB 294** - Representative Dickenson moved **SB 294**, second reading copy, be amended as follows:

1. Page 2, line 1.

**Strike:** "5"

**Insert:** "2"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, Lange, McNutt, Ripley, Sonju, Stahl, Taylor.  
Total 7

Excused: Bixby, Juneau.  
Total 2

Absent or not voting: None.  
Total 0

**SB 294** - Representative Dickenson moved **SB 294**, as amended, be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr.



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Speaker.  
Total 88

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Jackson, Koopman, Mendenhall, B. Olson, Ripley, Sonju, Stahl.  
Total 12

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 352** - Representative Harris moved **SB 352** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Sinrud, Stahl.  
Total 2

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Branae, Gutsche, Noennig.  
Total 3

**SB 423** - Representative Harris moved **SB 423** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, R. Brown, Caferro, Campbell, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, Klock, Koopman, Lambert, Lange, Maedje, Mendenhall, Rice, Ripley, Sinrud, Windy Boy, Witt.  
Total 22

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

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**SB 2** - Representative Lake moved **SB 2** be concurred in.

**SB 2** - Representative Lake moved **SB 2**, second reading copy, be amended as follows:

1. Page 2, line 8.

**Strike:** "censured"

**Insert:** "censored"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Maedje.

Total 1

Voted Absentee: Sinrud, Aye.

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

**SB 2** - Representative Lake moved **SB 2**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Bixby, Caferro, Dowell, Furey, Gallik, Gutsche, Harris, Henry, Jayne, Juneau, Kaufmann, McAlpin, Musgrove, Windy Boy.

Total 14

Voted Absentee: Sinrud, Aye; Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 95** - Representative Harris moved **SB 95** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan,

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Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.  
Total 52

Voted Absentee: Juneau, Aye; Bixby, Sinrud, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 107** - Representative Parker moved consideration of **SB 107** be passed for the day. Motion carried.

**SB 260** - Representative Clark moved **SB 260** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Gallik.  
Total 1

Voted Absentee: Bixby, Juneau, Sinrud, Ayes.

Excused: None.  
Total 0

Absent or not voting: Musgrove.  
Total 1

**SB 167** - Representative Jopek moved **SB 167** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Balyeat, Barrett, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Klock, Koopman, Lake, Maedje, Malcolm, Morgan, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.  
Total 31

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted.

Representative Peterson made a **substitute motion** that **SB 95** be segregated from the Committee of the Whole report and be placed on 2nd Reading on April 4, 2005, and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 79

Noes: Balyeat, Buzzas, Caferro, Dickenson, Furey, Gallik, Glaser, Hamilton, Hawk, McNutt, Mendenhall, Noonan, Ripley, Sales, Windy Boy.  
Total 15

Excused: Bixby, Juneau, Sinrud.  
Total 3

Absent or not voting: Malcolm, B. Olson, Stahl.  
Total 3

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 2:30 p.m.

House reconvened at 2:30 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 784** - Representative Cohenour moved **HB 784** do pass.

**HB 784** - Representative Bergren moved for cloture. Motion carried with a voice vote.

**HB 784** - Do pass motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 51

Voted Absentee: Bixby, Juneau, Ayes; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 44

Excused: Bixby, Juneau, Sinrud.

Total 3

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SJR 24. There being no questions, this bill will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Monday, April 4, 2005. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana  
April 4, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages: Katie Bonogofsky, Belfry; Whitney Derks, Denton; Jesse DesRosier, Browning; Amber Laszloffy, Laurel; Callie Real Bird, Wyola; Jake Schreiner, Laurel; and Jake Zeadow, Three Forks.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Himmelberger announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 10:30 a.m.

House reconvened at 10:38 a.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 4/4/2005  
Correctly printed: **HB 529, HB 703, HB 756, HB 787, HB 802, HB 803.**  
Correctly enrolled: **HB 153, HB 172, HB 280, HB 316, HB 492, HB 514.**

MESSAGES FROM THE SENATE

**House amendments to Senate bill** concurred in: 4/4/2005

**SB 39**, introduced by Mangan

**House bills** concurred in and returned to the House: 4/4/2005

**HB 153**, introduced by Noennig  
**HB 172**, introduced by Cohenour  
**HB 199**, introduced by A. Olson  
**HB 316**, introduced by Callahan  
**HB 483**, introduced by Bergren  
**HB 492**, introduced by Morgan  
**HB 514**, introduced by Gutsche

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/4/2005

**HB 517**, introduced by Wiseman  
**HB 606**, introduced by Gutsche

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/4/2005

**HJR 15**, introduced by Juneau

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

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**HJR 41**, introduced by Campbell, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Clark, Cohenour, Dowell, Driscoll, Eaton, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hendrick, Jacobson, Jayne, Jopek, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Noonan, Parker, Raser, Rice, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wells, Wilson, Windy Boy, Wiseman, Witt, Wagman, Callahan, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Himmelberger in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 95** - Representative Harris moved **SB 95** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 73

Noes: Barrett, Bixby, D. Brown, Butcher, Caferro, Everett, Hawk, Hendrick, Jackson, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Stahl, Wagman, Ward, Wells, Witt.  
Total 27

Voted Absentee: Juneau, Aye; Bixby, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 107** - Representative Lambert moved **SB 107** be concurred in.

**SB 107** - Representative Lambert moved **SB 107**, second reading copy, be amended as follows:

1. Title, line 9.

**Following:** "FUTURE;"

**Insert:** "REMOVING THE REQUIREMENT THAT A PERSON COMPLY WITH THE AGRICULTURE GROUND WATER MANAGEMENT PLAN;"

2. Page 2, line 11.

**Strike:** "shall"

**Insert:** "may"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

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Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 49

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 107** - Representative Lambert moved **SB 107**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Juneau, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 53

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Mendenhall, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 76** - Representative Noonan moved **SB 76** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lange, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Warden, Wilson, Witt, Mr. Speaker.

Total 51

Noes: Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Clark, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wells, Windham, Windy Boy, Wiseman.

Total 49

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0



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Absent or not voting: None.  
Total 0

**SB 138** - Representative Heinert moved **SB 138** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: McGillvray, Morgan, Ripley, Sinrud, Wanzenried.  
Total 5

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 145** - Representative Harris moved **SB 145** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Hawk, Hendrick, Koopman, Lake, MacLaren, Malcolm, Mendenhall, Rice, Sales, Sinrud, Wagman.  
Total 11

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 183** - Representative Stoker moved **SB 183** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 99

Noes: Koopman.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 186** - Representative Clark moved **SB 186** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Bixby, D. Brown, Caferro, Eaton, Gutsche, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, McGillvray, Morgan, Roberts, Stahl, Wagman, Ward.

Total 19

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 198** - Representative Facey moved **SB 198** be concurred in.

**SB 198** - Representative Hendrick moved for cloture. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, L. Jones, Jopek, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Mr. Speaker.

Total 54

Noes: Becker, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jent, W. Jones, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 43

Excused: Bixby, Juneau.

Total 2

Absent or not voting: Lambert.

Total 1

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**SB 198** - Representative Lake moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 86

Noes: Becker, Buzzas, Caferro, Dickenson, Gallik, Gutsche, Hamilton, Harris, Kaufmann, Lenhart, Windy Boy, Wiseman.  
Total 12

Excused: Bixby, Juneau.  
Total 2

Absent or not voting: None.  
Total 0

**SB 198** - Motion to concur carried as follows:

Ayes: Arntzen, Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 47

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bergren.  
Total 1

**SB 212** - Representative Maedje moved **SB 212** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Stahl.  
Total 1

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Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 214** - Representative Noennig moved **SB 214** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 217** - Representative Bergren moved **SB 217** be concurred in.

**SB 217** - Representative L. Jones moved **SB 217**, second reading copy, be amended as follows:

1. Page 1, line 27.

**Strike:** "50%"

**Insert:** "40%"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 48

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: Malcolm, Mendenhall.

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Total 2

**SB 217** - Representative L. Jones moved **SB 217**, second reading copy, be further amended as follows:

1. Page 6, line 21.

**Following:** "apprentices"

**Insert:** "only for construction services, as defined in 18-2-401"

2. Page 6, line 22.

**Following:** line 21

**Insert:** "(h) for all other construction services, use the average journeyman wage paid to the apprentice's employer's journeyman. The department may require the employer to provide certified payrolls from which the average journeyman's salary is calculated."

**Renumber:** subsequent subsections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 49

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 217** - Representative Bergren moved **SB 217**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Balyeat, D. Brown, Everett, Hawk, Himmelberger, L. Jones, Koopman, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Wells, Witt.

Total 20

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 225** - Representative Maedje moved **SB 225** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Ward.

Total 1

**SB 349** - Representative Gallik moved **SB 349** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Lake, Sales.

Total 3

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Waitschies.

Total 1

**SB 350** - Representative McAlpin moved **SB 350** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Maedje, Malcolm, McGillvray, McKenney, McNutt,

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Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.  
Total 40

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 355** - Representative Parker moved **SB 355** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Koopman, Sales, Sinrud.  
Total 5

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: R. Brown.  
Total 1

**SB 365** - Representative Wiseman moved **SB 365** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Galvin-Halcro, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Noennig, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.  
Total 37

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 368** - Representative Galvin-Halcro moved **SB 368** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 385** - Representative Koopman moved **SB 385** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Becker, Everett, Hawk, Mendenhall, Sales, Wells.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 410** - Representative Groesbeck moved **SB 410** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Becker, Dowell, Gutsche, Jackson, Jayne, Raser, Windham.  
Total 7

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**SB 434** - Representative Milburn moved **SB 434** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 443** - Representative Furey moved **SB 443** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Balyeat, D. Brown, Everett, Gallik, Hawk, Jackson, W. Jones, Koopman, Lake, MacLaren, Malcolm, Mendenhall, Rice, Ripley, Sales.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 466** - Representative Heinert moved **SB 466** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Balyeat, Ripley.  
Total 2

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Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**SB 470** - Representative Noonan moved **SB 470** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Jayne.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Barrett, R. Brown.  
Total 2

**SB 472** - Representative Harris moved **SB 472** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Balyeat, Barrett, Bergren, Everett, Hendrick, Keane, Lake, MacLaren, Rice, Ripley, Sales, Sonju, Wagman, Ward.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**SB 497** - Representative Stahl moved **SB 497** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

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Noes: Buzzas, Caferro, Facey, Furey, Galvin-Halcro, Henry, Jayne, Maedje.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Windham.  
Total 1

**SB 370** - Representative Jent moved **SB 370** be concurred in.

**SB 370** - Representative Bergren moved for cloture. Motion carried with a voice vote.

**SB 370** - Motion to concur carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Andersen, Balyeat, Barrett, Butcher, Campbell, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Koopman, Lambert, McNutt, Mendenhall, Rice, Ripley, Sales, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 25

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

**SB 123** - Representative Keane moved **SB 123** be concurred in.

**SB 123** - Representative Keane moved **SB 123**, second reading copy, be amended as follows:

1. Title, line 11.

**Following:** "INCREASING THE"  
**Insert:** "CIVIL"

2. Title, line 12.

**Following:** "HIGHWAYS;"  
**Insert:** "ELIMINATING THE MISDEMEANOR PENALTY FOR USING DYED FUEL;"

3. Page 5, lines 25 and 26.

**Following:** "15-70-372(2)."

**Strike:** remainder of line 25 through "15-70-336." on line 26

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 98

Noes: Mendenhall, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 123** - Representative Keane moved **SB 123**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Koopman, Sales, Sinrud.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Everett, Hawk, Hendrick, Koopman, Lambert, Mendenhall, Sales, Sinrud, Stahl, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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**HB 529** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 72

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Peterson, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wells, Wiseman, Witt.  
Total 28

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 703** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 65

Noes: Andersen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Wells.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 756** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, A. Olson, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Wells.  
Total 31

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 787 failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 802 passed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 80

Noes: Bixby, Buzzas, Caferro, Callahan, Clark, Cohenour, Eaton, Furey, Gallik, Gutsche, Hamilton, Harris, Jacobson, Juneau, Kaufmann, McAlpin, McGillvray, Raser, Windham, Wiseman.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 803 failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, Butcher, Clark, Glaser, Hendrick, Jackson, W. Jones, Klock, Lambert, MacLaren, Maedje, McNutt, Milburn, Morgan, B. Olson, Peterson, Ripley, Roberts, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Wilson, Windy Boy, Witt.  
Total 32

Noes: Becker, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wells, Windham, Wiseman, Mr. Speaker.  
Total 68

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 21** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 29** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Warden, Wells.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 32** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

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Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Hendrick, L. Jones, Koopman, Lake, Maedje, Malcolm, Mendenhall, Milburn, Morgan, B. Olson, Ross, Sales, Sinrud, Wells.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 40** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Bergren, Jayne, Villa, Windy Boy.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 127** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Campbell, Everett, Heinert, Himmelberger, Koopman, Malcolm, McGillvray, Mendenhall, Ripley, Sales, Sinrud, Waitschies, Wells.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 153** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,



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Total 94

Noes: Everett, Sales, Stahl, Stoker, Wagman, Waitschies.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 167** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 71

Noes: Andersen, Balyeat, Barrett, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Maedje, Malcolm, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 260** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: A. Olson.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 264** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Total 98

Noes: Everett, Malcolm.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 298** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 322** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 352** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 363** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Everett, Sales, Sinrud.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 373** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Campbell, Jayne, Koopman, Sales, Ward.  
Total 5

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 388** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Heinert, McKenney, Villa, Windy Boy.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 423** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Balyeat, D. Brown, R. Brown, Caferro, Campbell, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Klock, Koopman, Lambert, Maedje, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Windy Boy.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 460** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Lambert, A. Olson, B. Olson, Sales, Stahl.  
Total 6

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 4** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Hawk, Lake, Ross, Sales, Waitschies.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 7** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 72

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Hawk, Heinert, Himmelberger, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Witt.  
Total 28

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 12** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

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Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Furey, Glaser, Himmelberger, Lake, Lange, McNutt, Ripley, Ross, Sales, Wagman, Waitschies, Windham.

Total 17

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**SJR 17** concurred in as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, Koopman, Lake, Malcolm, McGillvray, McKenney, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.

Total 24

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

**SJR 24** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Balyeat, Bixby, Caferro, Everett, Hawk, Himmelberger, Kaufmann, Koopman, Lake, Lambert, McGillvray, Morgan, Rice, Ripley, Ross, Sales, Stahl, Waitschies, Ward.

Total 19

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

**MOTIONS**

Rep. Koopman moved HB 404 be withdrawn from the House Education Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Cohenour moved the House reconsider its action on March 31, 2005, on SB 194 for the purpose of placing the bill on 2nd Reading. Rep. Leader Brown rose to state this action was over the 24 hour consideration limit. Speaker Matthews stated the House would take a short recess.

Dem. Floor Leader Parker stated Rep. Cohenour's motion was out of order since it was over the 24 hour limit.

Rep. Cohenour withdrew her previous motion. Rep. Cohenour moved the House suspend the rules for a late consideration of the House action taken on SB 194. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Klock, Lenhart, Lindeen, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 56

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Keane, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Wagman, Waitschies, Ward, Warden, Wells.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Himmelberger, Taylor.  
Total 2

Rep. Becker moved SB 203 be withdrawn from the Labor and Industry Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm,

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McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Maedje moved the House reconsider its action on HB 787 on 3rd Reading today and be placed on 3rd Reading on April 5, 2005. This requires a majority vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Harris, Waitschies.  
Total 2

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 335 and SB 457. There being no questions, these bills will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Tuesday, April 5, 2005. Motion carried.

House adjourned at 3:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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59TH LEGISLATURE  
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana  
April 5, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Bill Jones. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 8:30 a.m.

House reconvened at 8:36 a.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 4/5/2005  
Correctly printed: **HJR 34**.  
Correctly enrolled: **HB 199, HB 483**.  
Examined by the sponsor and found to be correct: **HB 153, HB 172, HB 199, HB 280, HB 316, HB 483, HB 492, HB 514**.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 4/5/2005  
**SB 428**, be concurred in. Report adopted.

**HUMAN SERVICES** (Becker, Chairman): 4/5/2005  
**SB 86**, be concurred in. Report adopted.  
**SB 287**, be amended as follows:

1. Page 5, line 5 through line 6.  
**Strike:** section 10 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 358**, be concurred in. Report adopted.  
**SB 440**, be concurred in. Report adopted.  
**SJR 13**, be concurred in. Report adopted.  
**SJR 26**, be concurred in. Report adopted.  
**SJR 27**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman): 4/5/2005  
**HJR 34**, do pass and be placed on the consent calendar. Report adopted.  
**SJR 9**, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 4/5/2005

**SB 19**, introduced by Mangan  
**SB 213**, introduced by Story  
**SB 513**, introduced by Elliott  
**SB 516**, introduced by Gillan  
**SB 518**, introduced by Elliott  
**SB 520**, introduced by Elliott  
**SB 521**, introduced by Elliott

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**Senate joint resolution** passed and transmitted to the House for concurrence: 4/5/2005

**SJR 32**, introduced by Elliott

**House amendments to Senate bills** concurred in: 4/5/2005

**SB 38**, introduced by Schmidt

**SB 325**, introduced by Gebhardt

**SB 369**, introduced by Cocchiarella

**House amendment to Senate bill not** concurred in: 4/5/2005

**SB 81**, introduced by Stapleton

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/5/2005

**HB 73**, introduced by Buzzas

**HB 431**, introduced by Raser

**HB 359** - The Senate Committee of the Whole failed to concur in **HB 359**.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 42**, introduced by Jent, referred to State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 19**, introduced by Mangan, referred to Taxation.

**SB 213**, introduced by Story, Bergren, Gillan, Peterson, referred to Taxation.

**SB 513**, introduced by Elliott, Branae, Matthews, referred to Taxation.

**SB 516**, introduced by Gillan, A. Olson, Waitschies, referred to Taxation.

**SB 518**, introduced by Elliott, referred to Transportation.

**SB 520**, introduced by Elliott, Ellingson, Tester, referred to Taxation.

**SB 521**, introduced by Elliott, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 32**, introduced by Elliott, Story, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wilson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 160** - Representative Jent moved **SB 160** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

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Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 62** - Representative Jent moved **SB 62** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: W. Jones, Sales.  
Total 2

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 139** - Representative Noennig moved **SB 139** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Butcher, Hawk, W. Jones, Sales, Stahl, Waitschies.  
Total 6

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 140** - Representative Franklin moved **SB 140** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Butcher, Everett, Hawk, Koopman, Sales, Stahl, Waitschies.  
Total 7

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 154** - Representative Facey moved **SB 154** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Barrett, Hawk, W. Jones, Koopman, MacLaren, Rice, Sales, Stoker.  
Total 8

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 180** - Representative B. Olson moved **SB 180** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

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Total 48

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 191** - Representative Malcolm moved **SB 191** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Mr. Speaker.

Total 84

Noes: Barrett, R. Brown, Butcher, Glaser, Jackson, Jayne, W. Jones, Keane, Klock, Lenhart, Stahl, Stoker, Windham, Windy Boy, Witt.

Total 15

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**SB 231** - Representative Noennig moved **SB 231** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 381** - Representative Noennig moved **SB 381** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 481** - Representative Lange moved consideration of **SB 481** be placed below **SB 124** on the second reading board. Motion carried.

**SB 435** - Representative Noennig moved **SB 435** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 88** - Representative Hamilton moved **SB 88** be concurred in.

**SB 88** - Representative Andersen moved **SB 88**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell,

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Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 88** - Motion to concur in **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 91** - Representative Cohenour moved **SB 91** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 86

Noes: Balyeat, Barrett, Everett, Hendrick, L. Jones, Klock, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Peterson.  
Total 13

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

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**SB 116** - Representative Noennig moved **SB 116** be concurred in.

**SB 116** - Representative Maedje moved **SB 116**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, Barrett, R. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, Maedje, Malcolm, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Wagman, Wells, Windy Boy, Witt.

Total 33

Noes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 67

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 116** - Motion to concur in carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 77

Noes: Arntzen, Barrett, R. Brown, Butcher, Everett, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lange, Maedje, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Wells.

Total 23

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 118** - Representative Jent moved **SB 118** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.



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Total 78

Noes: Barrett, D. Brown, R. Brown, Everett, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lambert, MacLaren, McGillvray, Peterson, Rice, Ross, Sales, Sinrud, Wagman, Waitschies, Wells.

Total 21

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

**SB 119** - Representative Gutsche moved **SB 119** be concurred in. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 56

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 44

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 122** - Representative Noonan moved **SB 122** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 40

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

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**SB 164** - Representative Grinde moved **SB 164** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 70

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Koopman, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Mendenhall, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 30

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 175** - Representative Arntzen moved **SB 175** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Barrett, Everett, Hawk, Koopman, Lake, Maedje, B. Olson, Rice, Sales, Stoker, Wagman, Wells.

Total 12

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 195** - Representative R. Brown moved consideration of **SB 195** be placed below **SB 481** on the second reading board. Motion carried.

**SB 196** - Representative Harris moved **SB 196** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

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Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.

Total 34

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 259** - Representative Rice moved **SB 259** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**SB 279** - Representative Driscoll moved **SB 279** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Balyeat, Barrett, Everett, Gallik, Hawk, Heinert, Himmelberger, Koopman, Lake, Maedje, Noennig, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Warden, Wells.

Total 21

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 290** - Representative R. Brown moved consideration of **SB 290** be placed below **SB 143** on the second reading board. Motion carried.

**SB 314** - Representative Heinert moved **SB 314** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 328** - Representative Becker moved **SB 328** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 79

Noes: Balyeat, Barrett, Butcher, Caferro, Everett, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, MacLaren, McGillvray, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Witt.

Total 21

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342** - Representative Jacobson moved **SB 342** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: W. Jones.

Total 1

**SB 396** - Representative B. Olson moved **SB 396** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Clark, Driscoll, Everett, Facey, Glaser, Grinde, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Becker, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Hiner, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Noonan, Raser, Small-Eastman, Villa, Wanzenried, Windy Boy.

Total 31

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 458** - Representative McAlpin moved **SB 458** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 65

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jent, W. Jones, Keane, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Ward, Wells, Witt.

Total 35

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 461** - Representative Rice moved **SB 461** be concurred in.

**SB 461** - Representative Clark moved **SB 461**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Mendenhall, Milburn, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.  
Total 51

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 461** - Representative Small-Eastman moved consideration of **SB 461** be placed at the bottom of the second reading board for the purpose of amendment. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Lenhart, Malcolm, McAlpin, Morgan, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.  
Total 54

Excused: Bixby, Juneau.  
Total 2

Absent or not voting: Furey.  
Total 1

**SB 461** - Motion to concur carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Franklin, Gallik, Glaser, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 67

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Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Gutsche, Henry, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Malcolm, McAlpin, Noonan, Parker, Raser, Small-Eastman, Villa, Wilson, Windham, Wiseman.

Total 33

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Caferro, Everett, Galvin-Halcro, Gutsche, Kaufmann, Koopman, Mendenhall, Musgrove, Sales, Wells.

Total 10

Excused: Bixby, Juneau.

Total 2

Absent or not voting: Sinrud, Wilson.

Total 2

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 12:15 p.m.

House reconvened at 12:28 p.m.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter stating that the following members of the House Judiciary Committee requested a meeting of the Judiciary Committee be convened on April 5, 2005, at 3:00 p.m. for the purpose of taking action on SB 43: Rep. Paul Clark, Rep. Christopher Harris, Rep. Robyn Driscoll, Rep. Gail Gutsche, Rep. Jeanne Windham, Rep. Thomas McGillvray, Rep. Bill Wilson, Rep. Arlene Becker, Rep. Art Noonan, Rep. Mark Noennig, and Rep. John Parker. Speaker Matthews approved the meeting.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Galvin-Halcro, Chairman):

4/5/2005

**SB 445**, be amended as follows:

1. Page 3, following line 2.

**Insert:** "NEW SECTION. **Section 5. Contingent voidness.** If House Bill No. 2 is passed and approved without an appropriation for Montana national guard tuition waivers pursuant to [this act], then [this act] is void."

**Renumber:** subsequent section

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And, as amended, be concurred in. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):

4/5/2005

**SB 1**, be concurred in. Report adopted.

**SB 487**, be amended as follows:

1. Title, line 7.

**Strike:** "SCHOOL BUS DRIVER"

**Insert:** "PERSON"

2. Title, line 8 through line 12.

**Strike:** "REQUIRING" on line 8 through "VIOLATION;" on line 12

3. Page 1, line 18.

**Strike:** "owner"

**Insert:** "operator"

**Strike:** "-- limited defense"

4. Page 1, line 22.

**Strike:** "20"

**Insert:** "approximately 15"

5. Page 3, line 2.

**Strike:** "school bus driver"

**Insert:** "person"

**Following:** "written"

**Insert:** ", in addition to an oral,"

6. Page 3, line 9 through line 12.

**Strike:** "The" on line 9 through "vehicle." on line 12

**Insert:** "A report under subsection (7)(a) constitutes particularized suspicion under 46-5-401(1) that an operator of the vehicle committed a violation of this section."

7. Page 3, line 13 through line 25.

**Strike:** subsection 8 in its entirety

**Renumber:** subsequent subsection

And, as amended, be concurred in. Report adopted.

**SB 507**, be amended as follows:

1. Page 11.

**Following:** line 18

**Insert:** "COORDINATION SECTION. Section 12. Coordination instruction. If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (2) of 61-3-203 in [this act] must read as follows:

"(2) Of the \$14 fee imposed in subsection (1), \$5 must be deposited in the motor vehicle information technology system account provided for in 61-3-550 and the remaining amount must be deposited in the state general fund.""

**Insert:** "COORDINATION SECTION. Section 13. Coordination instruction. If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (2) of 61-3-204 in [this act] must read as follows:

"(2) Of the \$14 fee imposed in subsection (1), \$5 must be deposited in the motor vehicle information technology system account provided for in 61-3-550 and the remaining amount must be deposited in the state general fund.""

**Insert:** "COORDINATION SECTION. Section 14. Coordination instruction. If both House Bill No. 671 and [this act] are passed and approved, then [section 42] of House Bill No. 671 that amends 61-3-203 is void."

**Insert:** "COORDINATION SECTION. Section 15. Coordination instruction. If both Senate Bill No. 285 and [this act] are passed and approved, then subsection (1)(b) of 61-3-411 in [this act] must read as follows:

"(b) the name and address of the person from whom the motor vehicle, trailer, semitrailer, or pole trailer was purchased;".

**Renumber:** subsequent section



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And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 4/5/2005

**SB 271**, introduced by Elliott

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/5/2005

**HB 332**, introduced by Buzzas

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 271**, introduced by Elliott, Ryan, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wilson in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 489** - Representative Maedje moved **SB 489** be concurred in.

**SB 489** - Representative Peterson moved **SB 489**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Peterson moved the House reconsider its action on amendment **SB 489-1**. Chair stated this is a limited debate. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje,

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Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

Total 46

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: Caferro, Kaufmann, Windy Boy.

Total 3

**SB 489** - Representative Peterson moved **SB 489**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 10.

**Strike:** "AND" on line 8 through "ASSISTANCE" on line 10

2. Page 5, line 25.

**Strike:** "THROUGH (11)"

**Insert:** "and (10)"

3. Page 9, line 3 through line 21.

**Strike:** subsection (11) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 48

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 489** - Representative Maedje moved **SB 489**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Becker, Bixby, Mendenhall, Musgrove.

Total 4

Voted Absentee: Juneau, Aye; Bixby, No.

Excused: None.

Total 0

Absent or not voting: Jent, Wilson.

Total 2

**SB 33** - Representative McAlpin moved **SB 33** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Barrett, Everett, Hawk, Himmelberger, Ripley, Sinrud.

Total 6

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 46** - Representative Henry moved **SB 46** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Hawk, Lake, Sales.

Total 4

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 124** - Representative Waitschies moved **SB 124** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 481** - Representative McNutt moved **SB 481** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Hawk, Sales, Wells.

Total 3

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Lake.

Total 1

**SB 195** - Representative MacLaren moved **SB 195** be concurred in.

**SB 195** - Representative Maedje moved **SB 195**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm,

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McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 195** - Representative Maedje moved **SB 195**, second reading copy, be amended as follows:

1. Page 5, line 13.

**Strike:** "shall"

**Insert:** "may"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Dickenson, Everett, Facey, Franklin, Glaser, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 77

Noes: Bergren, Bixby, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Juneau, Kaufmann, Lindeen, Musgrove, Parker, Windy Boy, Wiseman.  
Total 23

Voted Absentee: Bixby, Juneau, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 195** - Representative Maedje moved **SB 195**, second reading copy, be further amended as follows:

1. Page 5, line 14.

**Following:** "76-1-601"

**Strike:** "."

2. Page 5, line 15 through line 17.

**Following:** "2007:"

**Strike:** remainder of line 15 through "POLICIES"

3. Page 5, line 18.

**Strike:** "INCLUDE"

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**Insert:** "includes"

**Strike:** "BY OCTOBER 1, 2007"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 54

Noes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Windy Boy, Wiseman.

Total 44

Excused: Bixby, Juneau.

Total 2

Absent or not voting: None.

Total 0

**SB 195** - Representative MacLaren moved **SB 195**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, Noennig, Noonan, Parker, Sesso, Villa, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 39

Noes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt.

Total 61

Voted Absentee: Bixby, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 142** - Representative Maedje moved **SB 142** be concurred in. Motion carried as follows:

Ayes: Barrett, Becker, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Henry, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, Peterson, Raser, Rice, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

Total 57

Noes: Andersen, Arntzen, Balyeat, Bergren, Bixby, D. Brown, R. Brown, Everett, Gallik, Hamilton, Hawk, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McKenney, Milburn, Morgan, A. Olson, B. Olson, Parker, Ripley, Roberts, Sales, Sinrud, Sonju, Taylor,

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Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.  
Total 43

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 143** - Representative Dickenson moved **SB 143** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Hamilton, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, Becker, Caferro, Campbell, Cohenour, Everett, Gallik, Galvin-Halcro, Gutsche, Harris, Hawk, Hendrick, W. Jones, Kaufmann, Koopman, Lambert, Mendenhall, Musgrove, Sales, Sinrud, Wagman, Wells.  
Total 22

Excused: None.  
Total 0

Absent or not voting: D. Brown, R. Brown, Ward, Wilson.  
Total 4

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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**SB 335** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 457** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**SB 2** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.  
Total 86

Noes: Buzzas, Caferro, Furey, Gallik, Gutsche, Harris, Henry, Jayne, Juneau, Kaufmann, McAlpin, Musgrove, Windy Boy, Wiseman.  
Total 14

Excused: None.  
Total 0



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Absent or not voting: None.  
Total 0

**SB 294** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Balyeat, Barrett, Everett, Koopman, Lake, Mendenhall, B. Olson, Ripley, Sales, Sinrud, Witt.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Windham.  
Total 1

**SB 76** concurred in as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Warden, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, D. Brown, R. Brown, Clark, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Jopek, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wells, Wiseman, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 95** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Balyeat, Barrett, Bixby, Butcher, Caferro, Everett, Furey, Hawk, Hendrick, Jackson, Kaufmann, Koopman, Lambert, MacLaren, Malcolm, McGillvray, Mendenhall, Rice, Wagman.  
Total 19

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 138** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Barrett, McGillvray, Morgan, Ripley, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 145** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Hawk, Hendrick, L. Jones, Koopman, Lake, Malcolm, Mendenhall, Rice, Sales, Sinrud, Wagman.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 183** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 186** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, R. Brown, Butcher, Clark, Cohenour, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Bergren, Bixby, D. Brown, Buzzas, Caferro, Callahan, Campbell, Dowell, Eaton, Galvin-Halcro, Gutsche, Hamilton, Harris, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lindeen, Parker, Raser, Roberts, Stahl, Wagman, Ward, Windy Boy.  
Total 28

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 198 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 212** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts,

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Total 96

Noes: Driscoll, Gutsche, Kaufmann.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Buzzas.  
Total 1

**SB 214** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 225** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 349** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Everett.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 350** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 68

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 355** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Balyeat, Everett, Koopman, Sales.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 365** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Galvin-Halcro, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 368** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 370** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 76

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Koopman, Lake, Lambert, Maedje, McNutt, Mendenhall, Rice, Ripley, Sales, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.

Total 24

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 385** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Becker, Everett, Hawk, Mendenhall, Sales, Wells.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 410** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Becker, Buzzas, Franklin, Galvin-Halcro, Gutsche, Henry, Jackson, Jayne, Raser, Windham.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 434** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 443** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Himmelberger, Jackson, Koopman, Lake, Malcolm, Mendenhall, Rice, Ripley, Sales.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Heinert.  
Total 1

**SB 466** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Balyeat.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 470** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser,



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Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 472** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Balyeat, Barrett, Hendrick, Rice, Ripley, Sonju, Wagman, Ward.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 497** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 93

Noes: Buzzas, Furey, Galvin-Halcro, Jayne, Kaufmann, Maedje, Wiseman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wiseman in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 290** - Representative MacLaren moved **SB 290** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 174** - Representative B. Olson moved **SB 174** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Balyeat, Barrett, R. Brown, Campbell, Cohenour, Glaser, Hawk, Himmelberger, Lake, Mendenhall, Rice, Ross, Wagman.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 197** - Representative Wanzenried moved consideration of **SB 197** be placed below **SB 419** on the second reading board. Motion carried.

**SB 311** - Representative Wanzenried moved consideration of **SB 311** be moved to the bottom of the second reading board. Motion carried.

**SB 204** - Representative Wanzenried moved consideration of **SB 204** be placed below **SJR 22** on the second reading board. Motion carried.

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**SB 182** - Representative Keane moved **SB 182** be concurred in. Motion carried as follows:

Ayes: Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Andersen, Arntzen, Balyeat, D. Brown, Butcher, Everett, Glaser, Koopman, Lake, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sonju, Stoker, Taylor, Waitschies, Ward, Wells, Witt.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 295** - Representative Hendrick moved **SB 295** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Barrett, R. Brown, Butcher, Dickenson, Everett, Hawk, Himmelberger, Jayne, Lake, McGillvray, Ripley, Sales, Sonju.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 299** - Representative Jacobson moved **SB 299** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 79

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, McNutt, Rice, Ripley, Sales, Sonju, Stahl, Stoker, Ward.  
Total 20

Excused: None.  
Total 0

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Absent or not voting: A. Olson.

Total 1

**SB 304** - Representative Bergren moved **SB 304** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Himmelberger, Koopman, Lake, Maedje, McKenney, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wells.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 384** - Representative Henry moved **SB 384** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 419** - Representative Ripley moved **SB 419** be concurred in.

**SB 419** - Representative Wiseman moved **SB 419**, second reading copy, be amended as follows:

1. Page 2, line 2.

**Following:** "petition"

**Insert:** "or resolution, as provided in subsection (2)(a) or (2)(b),"

Amendment adopted as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso,

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Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, D. Brown, Butcher, Everett, Glaser, Grinde, Hawk, Hendrick, Himmelberger, Jacobson, L. Jones, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Ripley, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Wells.  
Total 37

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 419** - Representative Ripley moved **SB 419**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Balyeat, Becker, Branae, R. Brown, Butcher, Clark, Dowell, Driscoll, Facey, Golie, Grinde, Jackson, Jacobson, W. Jones, Juneau, Koopman, Lake, McAlpin, McNutt, Milburn, Morgan, Noennig, Peterson, Raser, Ripley, Roberts, Sonju, Stahl, Stoker, Wanzenried, Ward, Wilson, Mr. Speaker.  
Total 33

Noes: Andersen, Arntzen, Barrett, Bergren, Bixby, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Musgrove, Noonan, A. Olson, B. Olson, Parker, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.  
Total 67

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 197** - Representative Eaton moved consideration of **SB 197** be placed at the bottom of the second reading board. Motion carried.

Rep. Bergren assumed the Chair.

**SB 459** - Representative B. Olson moved **SB 459** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 95

Noes: Sales.  
Total 1

Excused: None.  
Total 0

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Absent or not voting: Arntzen, Keane, Rice, Witt.  
Total 4

**SB 478** - Representative Jent moved **SB 478** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Balyeat, Gallik, W. Jones, Lake, A. Olson, B. Olson, Ripley, Ross, Sales, Sinrud, Stoker, Waitschies, Warden, Wells.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Butcher, MacLaren, Maedje, McGillvray, Stahl.  
Total 5

**SB 500** - Representative Caferro moved **SB 500** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

Rep. Dowell assumed the Chair.

**SB 503** - Representative Ward moved **SB 503** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

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Noes: Becker, Clark, Franklin, Grinde, Gutsche, Jopek, Warden.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 22** - Representative Golie moved **SJR 22** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Balyeat, Everett, Glaser, Harris, Hawk, Himmelberger, Koopman, Lake, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Ross, Sales, Sinrud, Wagman, Waitschies, Wells.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Noennig, Roberts, Small-Eastman.  
Total 3

**SB 204** - Representative Parker moved **SB 204** be concurred in. Motion **failed** as follows:

Ayes: Barrett, Becker, Bergren, Butcher, Buzzas, Callahan, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Gutsche, Hamilton, Harris, Heinert, Jackson, L. Jones, Lake, Lange, Lindeen, MacLaren, A. Olson, B. Olson, Parker, Raser, Rice, Sales, Small-Eastman, Stahl, Stoker, Wagman, Waitschies, Warden, Wilson, Wiseman.  
Total 38

Noes: Andersen, Arntzen, Balyeat, Bixby, Branae, D. Brown, R. Brown, Caferro, Campbell, Clark, Dickenson, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Peterson, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Taylor, Villa, Wanzenried, Ward, Wells, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 62

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 311** - Representative Wilson moved **SB 311** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice,

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Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Lindeen assumed the Chair.

**SB 197** - Representative Golie moved **SB 197** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Koopman, Lake, Lambert, McGillvray, McNutt, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Stoker, Taylor.  
Total 22

Excused: None.  
Total 0

Absent or not voting: Furey.  
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Everett, Hawk, Heinert, Hendrick, W. Jones, Koopman, Maedje, McGillvray, Mendenhall, Sales, Sinrud, Wells.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Himmelberger, Jackson, Noonan, Small-Eastman, Ward.  
Total 5

**COMMUNICATIONS AND PETITIONS**



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Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzonried to Speaker Matthews stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take SB 78 from the Business and Labor Committee and place on 2nd Reading on April 5, 2005.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Keane, Chairman):  
SB 78, be amended as follows:

4/5/2005

1. Title, line 9.  
**Strike:** "\$6.25"  
**Insert:** "\$5.65"  
**Following:** "2005,"  
**Insert:** "AND TO \$6 AN HOUR BEGINNING JULY 1, 2006,"

2. Page 1, line 20.  
**Following:** "(b)"  
**Insert:** "(i)"  
**Strike:** "\$6.25"  
**Insert:** "\$5.65"  
**Following:** "hour"  
**Insert:** "beginning July 1, 2005; or"  
    (ii) \$6 an hour beginning July 1, 2006

And, as amended, without recommendation. Report adopted.

**JUDICIARY** (Rice, Chairman):  
SB 43, be concurred in. Report adopted.

4/5/2005

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 1** - Representative Jent moved **SB 1** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzonried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: D. Brown, Jayne, W. Jones, Koopman, MacLaren, Mendenhall, Rice, Sales, Sinrud, Sonju, Stoker.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 86** - Representative Noonan moved **SB 86** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.

Total 79

Noes: Balyeat, Barrett, Everett, Gallik, Hawk, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Rice, Ripley, Sales.

Total 18

Excused: None.

Total 0

Absent or not voting: McKenney, Witt, Mr. Speaker.

Total 3

**SB 440** - Representative Facey moved **SB 440** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Butcher, Everett, Golie, Heinert, Himmelberger, W. Jones, Koopman, Lake, Malcolm, Mendenhall, Sales, Sinrud, Taylor, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 487** - Representative Cohenour moved **SB 487** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Clark, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Waitschies, Warden, Wells, Witt.

Total 39

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 9** - Representative Maedje moved **SJR 9** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Hawk, Himmelberger, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Ross, Sales, Wagman, Wells.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Waitschies.  
Total 1

**SJR 13** - Representative Facey moved **SJR 13** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, Jent, L. Jones, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, Milburn, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Taylor, Wagman, Waitschies, Wells.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 26** - Representative Heinert moved **SJR 26** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 91

Noes: D. Brown, Hawk, Koopman, McGillvray, Ripley, Ross, Sales, Waitschies, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 27** - Representative Noonan moved **SJR 27** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Everett, Hawk, Koopman, Mendenhall, Ripley, Ross, Sales, Waitschies, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: D. Brown, Everett, Hawk, Hendrick, Koopman, Mendenhall, Sales, Sinrud, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that the following bills be re-referred to the House Appropriations Committee: SB 180, SB 489, and SB 197. Without objection, so ordered.

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Rep. Dickenson moved the House reconsider its action on SB 143 today and place on 2nd Reading tomorrow. This requires a majority vote. Motion passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Golie, Witt.  
Total 2

Rep. Hiner moved to suspend the House rules for the late drafting, introduction, and transmittal of a House bill. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Facey moved the House reconsider its action on SB 198 for the purpose of placing the bill on 3rd Reading. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward,

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Warden, Wells, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Small-Eastman moved to suspend the rules for the late drafting, introduction, and transmittal of a House joint resolution. This requires a 2/3 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Kaufmann moved SB 485 be withdrawn from the House Judiciary Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Lindeen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 78** - Representative Bergren moved **SB 78** be concurred in.

**SB 78** - Representative Keane moved **SB 78**, second reading copy, be amended as follows:

1. Title, line 10.

**Following:** "GREATER;"

**Insert:** "INCREASING THE AMOUNT OF ANNUAL GROSS SALES OF A BUSINESS THAT ENTITLES THE BUSINESS TO PAY A MINIMUM WAGE OF \$4;"

2. Page 2, line 2.

**Strike:** "\$110,000"

**Insert:** "\$250,000"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Caferro, Everett, Gallik, Hawk, Kaufmann, Lake, Ross, Sales, Sinrud.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 78** - Representative Parker moved for cloture. Motion carried with a voice vote.

**SB 78** - Representative Bergren moved **SB 78**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Lindeen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, April 6, 2005. Motion carried.

House adjourned at 7:30 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana  
April 6, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Jayne. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 1:10 p.m.

House reconvened at 1:12 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 4/6/2005  
Correctly enrolled: **HB 104, HB 109, HB 169, HB 324, HB 688, HB 746, HJR 12.**  
Signed by the Chief Clerk of the House at 8:45 a.m., April 5, 2005: **HB 153, HB 172, HB 199, HB 280, HB 316, HB 483, HB 492, HB 514.**  
Signed by the Speaker at 3:00 p.m., April 5, 2005: **HB 153, HB 172, HB 199, HB 280, HB 316, HB 483, HB 492, HB 514.**  
Signed by the President at 10:00 a.m., April 6, 2005: **HB 153, HB 172, HB 199, HB 280, HB 316, HB 483, HB 492, HB 514.**

MESSAGES FROM THE SENATE

**Conference Committee Report** No.1 adopted: 4/6/2005  
**SB 278**, introduced by Black  
**House amendments to Senate bill** not concurred in: 4/11/2005  
**SB 40**, introduced by McGee  
**Governor's amendments to Senate bill** concurred in and transmitted to the House for concurrence in the Governor's amendments: 4/6/2005  
**SB 61**, introduced by Cocchiarella  
**Senate joint resolution** passed and transmitted to the House for concurrence: 4/6/2005  
**SJR 31**, introduced by Curtiss  
**House amendments to Senate bill** concurred in: 4/6/2005  
**SB 244**, introduced by Squires  
**House bills** concurred in and returned to the House: 4/6/2005  
**HB 104**, introduced by Lenhart  
**HB 109**, introduced by Jent  
**HB 169**, introduced by McAlpin

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**HB 213**, introduced by Gallik  
**HB 324**, introduced by Driscoll  
**HB 688**, introduced by Franklin  
**HB 746**, introduced by Klock

**House joint resolution** concurred in and returned to the House: 4/6/2005

**HJR 12**, introduced by Hamilton

**SB 81** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **SB 81**:

4/6/2005

Senator Tropila, Senator Roush, and Senator Stapleton

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/6/2005

**HB 105**, introduced by Parker  
**HB 272**, introduced by Lambert  
**HB 297**, introduced by Wiseman  
**HB 418**, introduced by Keane  
**HB 645**, introduced by Clark  
**HB 732**, introduced by Roberts

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/6/2005

**HJR 19**, introduced by Matthews

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 43**, introduced by Peterson, referred to Agriculture.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 31**, introduced by Curtiss, Bales, D. Brown, Everett, Gallus, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Lewis, O'Neil, Perry, Sonju, Tash, Maedje, Barkus, Keenan referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Maedje in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 143** - Representative Dickenson moved **SB 143** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

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Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 63 - Senate Amendments** - Representative Villa moved Senate amendments to **HB 63** be **not** concurred in.  
Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 115- Senate Amendments** - Representative McNutt moved Senate amendments to **HB 115** be **not** concurred in.  
Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 135 - Senate Amendments** - Representative D. Brown moved Senate amendments to **HB 135** be **not** concurred

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in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Villa.  
Total 1

**HB 272 - Senate Amendments** - Representative Lambert moved Senate amendments to **HB 272** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Dickenson, Dowell, Everett, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Becker, Callahan, Cohenour, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Golie, Gutsche, Harris, Jopek, Kaufmann, Sesso, Wilson.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**HB 348 - Senate Amendments** - Representative Buzzas moved Senate amendments to **HB 348** be **not** concurred in. Motion carried as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

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Excused: None.  
Total 0

Absent or not voting: Bergren.  
Total 1

**HB 361 - Senate Amendments** - Representative Gallik moved Senate amendments to **HB 361** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, Butcher, Hawk, Klock, McNutt, Mendenhall, Rice, Ripley, Stahl.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 367 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 367** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Jayne, Lindeen.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Wilson.  
Total 1

**HB 493 - Senate Amendments** - Representative Noonan moved Senate amendments to **HB 493** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud,

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Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Balyeat, Barrett, D. Brown, Butcher, Lake, Morgan, Ripley, Sales, Sonju, Ward.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Clark, Stahl, Wanzenried.  
Total 3

**SB 88** - Representative Lange moved consideration of **SB 88** be placed below **SB 109** on the second reading board. Motion carried.

**SB 302** - Representative Eaton moved **SB 302** be concurred in.

**SB 302** - Representative Jent moved **SB 302**, second reading copy, be amended as follows:

1. Title, page 1, line 16.

**Strike:** "13-13-214,"

2. Page 8, line 23, through page 9, line 27.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Morgan.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 302** - Representative Eaton moved **SB 302**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

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Noes: Koopman, Sales.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Sinrud, Wanzenried.  
Total 2

**SB 324** - Representative Roberts moved **SB 324** be concurred in.

**SB 324** - Representative McGillvray moved **SB 324**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 42

Noes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 324** - Motion to concur in carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Balyeat, Butcher, Everett, Hawk, Jackson, Koopman, Lake, Milburn, Ripley, Sales, Sinrud, Stahl, Wells.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Waitschies.  
Total 1

**SB 18** - Representative Sales moved consideration of **SB 18** be placed at the bottom of the second reading board.  
Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick,

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Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 88** - Speaker Matthews moved consideration of **SB 88** be placed at the top of the second reading board. Motion carried.

**SB 88** - Representative Hamilton moved **SB 88** be concurred in.

**SB 88** - Representative Andersen moved **SB 88**, second reading copy, be amended as follows:

1. Page 2, line 3.

**Strike:** "TO ENSURE" through "APPLICATION, THE"

**Insert:** "The"

2. Page 2, line 5 through line 6.

**Strike:** "IF" on line 5 through "UNDELIVERABLE" one line 6

**Insert:** "The elector shall sign the form, indicate the address to which the absentee ballot should be sent, and return the form to the election administrator. If the form is not completed and returned"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bixby, Galvin-Halcro, Jayne, Juneau, Kaufmann, McAlpin.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 88** - Representative Hamilton moved **SB 88**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,



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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Everett, Hawk, Koopman, Sales, Sinrud, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Maedje moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Dowell, Juneau, Koopman, Mendenhall, Sinrud, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: Lambert, Maedje.

Total 2

**MOTIONS**

Rep. Jent moved to suspend the House rules to place SB 88 on 3rd Reading today. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Everett, Glaser, Hawk, Himmelberger, Koopman, Lake, Rice, Ross, Sonju, Wagman, Waitschies.

Total 11

Excused: None.

Total 0

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Absent or not voting: Buzzas, Franklin, Hiner, MacLaren, Morgan, Sales.  
Total 6

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 1** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Barrett, D. Brown, Everett, Hawk, Jackson, Jayne, W. Jones, Koopman, MacLaren, Rice, Sales, Witt.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 33** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Barrett, Everett, Hawk, Koopman, Lake, Maedje, Ripley, Sales, Sinrud.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 46** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman,

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Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Hawk.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 62** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 86** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Balyeat, Barrett, Everett, Gallik, Hawk, Heinert, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Sales, Sinrud, Witt.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 91** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne,

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Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Balyeat, Barrett, Everett, Hawk, Hendrick, Jackson, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Peterson, Stoker.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 107** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Becker, Caferro, Dickenson, Eaton, Furey, Hamilton, Harris, Henry, Jopek, Kaufmann, Lake, Lenhart, Mendenhall, Morgan, Raser, Stoker.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 116** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Bergren, R. Brown, Butcher, Everett, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lange, Maedje, McKenney, Rice, Ripley, Sales, Sonju, Stahl, Wagman, Ward, Wells, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 118** concurred in as follows:

*STATE INTERNET/BBS COPY*

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: D. Brown, R. Brown, Everett, Glaser, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lambert, McGillvray, Rice, Ross, Sales, Wagman.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 119** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McKenney, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 122** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Milburn, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 123** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: D. Brown, Hawk, Jackson, Koopman, Sales, Sinrud, Sonju.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 124** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: D. Brown, Sales, Sonju, Ward.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 139** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Butcher, Hawk, Stahl, Waitschies.

Total 4

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 140** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Hawk, Koopman, Lake, Sales, Stoker.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 142 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Wanzenried, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Callahan, Clark, Everett, Gallik, Glaser, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wiseman, Witt.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 154** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

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Noes: Hawk, Jackson, W. Jones, Sales, Stoker.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 160** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 164** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 66

Noes: Balyeat, D. Brown, Butcher, Clark, Everett, Hawk, Heinert, L. Jones, Koopman, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 174** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried,



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Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Barrett, D. Brown, R. Brown, Cohenour, Everett, Golie, Hawk, Jackson, Lake, Rice, Ross, Sinrud, Sonju, Stoker, Wagman.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**SB 175** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, W. Jones, Koopman, Lake, Maedje, Morgan, B. Olson, Rice, Ripley, Sales, Sonju, Wagman, Ward, Wells.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 182** concurred in as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Noes: Andersen, Balyeat, D. Brown, Clark, Everett, Glaser, Hawk, Heinert, Klock, Koopman, Lake, MacLaren, Maedje, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 191** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton,

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Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Balyeat, Barrett, R. Brown, Butcher, Buzzas, Driscoll, Glaser, Groesbeck, Jackson, Jayne, W. Jones, Keane, Klock, Maedje, Parker, Ripley, Stahl, Stoker, Wilson, Witt.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 196** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 217** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, Rice, Sales, Sinrud, Sonju, Stoker, Wells, Witt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 231** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Stoker, Ward.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 259** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 279** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: D. Brown, Everett, Gallik, Hawk, Heinert, Himmelberger, Koopman, Lake, Maedje, Malcolm, Mendenhall, Noennig, A. Olson, Rice, Ripley, Ross, Sinrud, Stahl, Stoker, Wagman, Warden, Wells.  
Total 22

Excused: None.  
Total 0

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Absent or not voting: Sales.

Total 1

**SB 290** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McKenney, Mendenhall, B. Olson, Rice, Ripley, Sales, Stahl, Stoker, Wagman, Ward, Wells.

Total 26

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**SB 295** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 69

Noes: Balyeat, Barrett, R. Brown, Butcher, Callahan, Dickenson, Everett, Facey, Furey, Gallik, Gutsche, Harris, Hawk, Himmelberger, Jackson, Jayne, L. Jones, Lake, Lange, Lindeen, McGillvray, Mendenhall, Morgan, Rice, Ripley, Sales, Stahl, Wagman, Windham, Wiseman.

Total 30

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

**SB 299** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 68

Noes: Balyeat, Barrett, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Ward, Wells, Witt.

Total 32

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 304** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: D. Brown, R. Brown, Butcher, Clark, Glaser, Hawk, Heinert, Himmelberger, Jackson, Koopman, Lake, Lange, MacLaren, Maedje, McKenney, Mendenhall, Morgan, B. Olson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Wells.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 311** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Stahl.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Caferro.  
Total 1

**SB 314** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

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Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 328** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 75

Noes: Balyeat, Barrett, Butcher, Caferro, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, McGillvray, Mendenhall, Milburn, Rice, Ripley, Ross, Sales, Stahl, Witt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

**SB 342** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 381** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman,

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Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 384** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Raser.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 396** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 435** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 440** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Everett, Golie, Hawk, Heinert, Himmelberger, L. Jones, W. Jones, Koopman, Malcolm, Mendenhall, Sales, Sinrud, Taylor, Wells.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 458** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Barrett, Butcher, Everett, Furey, Gallik, Hawk, Hendrick, Himmelberger, Jent, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, Mendenhall, Peterson, Rice, Ross, Sales, Sinrud, Wagman, Wells, Witt.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 459** concurred in as follows:



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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Franklin, Galvin-Halcro, Golie, Sales, Wanzenried.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 461** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 58

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 478** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Everett, Gallik, Hawk, Heinert, Jackson, W. Jones, Koopman, Lake, Maedje, McNutt, A. Olson, B. Olson, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Waitschies, Warden, Wells.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 481** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: D. Brown, Hawk, Jackson, Lake, Rice, Sales, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 487** concurred in as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noonan, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Andersen, Balyeat, D. Brown, Clark, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Koopman, Lake, Maedje, Malcolm, McGillvray, McKenney, Milburn, Noennig, A. Olson, Peterson, Rice, Sales, Sinrud, Stahl, Taylor, Waitschies, Wells.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 500** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Balyeat, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, MacLaren, Malcolm, McGillvray, Mendenhall, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells.

Total 29

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 503** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Becker, Bixby, Clark, Franklin, Furey, Grinde, Gutsche, Jopek, Koopman, Lindeen, Wanzenried, Warden.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 9** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Hawk, Jent, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Ross, Sales, Wagman, Ward, Wells.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 13** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

Noes: Balyeat, Barrett, D. Brown, Clark, Everett, Hawk, Heinert, Himmelberger, Jent, L. Jones, Klock, Koopman,

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Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 22** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, D. Brown, R. Brown, Everett, Gutsche, Harris, Hawk, Himmelberger, Jent, L. Jones, Koopman, Lake, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, A. Olson, Ripley, Ross, Sales, Sinrud, Wagman, Waitschies, Wells.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 26** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: D. Brown, Hawk, Koopman, McGillvray, Ripley, Ross, Sales, Waitschies, Wells.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 27** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje,

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Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 80

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Hawk, Klock, Koopman, Lake, McKenney, Mendenhall, A. Olson, B. Olson, Ripley, Ross, Sales, Taylor, Waitschies, Wells, Witt.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 88** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Everett, Hawk, Koopman, Maedje, Ross, Sales, Stahl.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Himmelberger, Juneau.  
Total 2

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker appoint a conference committee to meet with a like committee to confer on Senate amendments to **HB 367**. Motion carried.

The Speaker appointed the following members:

Representative Rice  
Representative Lange  
Representative Parker  
Representative Driscoll

Dem. Floor Leader Parker moved the Speaker appoint a conference committee to meet with a like committee to confer on Senate amendments to **HB 361**. Motion carried.

The Speaker appointed the following members:

Representative Peterson  
Representative Maedje  
Representative Gallik  
Representative Hamilton

Dem. Floor Leader Parker moved the Speaker appoint a conference committee to meet with a like committee to confer

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on Senate amendments to **HB 63**. Motion carried.

The Speaker appointed the following members:

Representative Glaser  
Representative Wagman  
Representative Villa  
Representative Raser

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Thursday, April 7, 2005. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
April 7, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Lake. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Wanzenried and Windy Boy, excused. Quorum present.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 10:30 a.m.

House reconvened at 10:38 a.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

4/7/2005

Delivered to the Governor for approval at 7:40 a.m., April 7, 2005: **HB 153, HB 172, HB 199, HB 280, HB 316, HB 483, HB 492, HB 514.**

Examined by the sponsor and found to be correct: **HB 104, HB 109, HB 169, HB 213, HB 324, HB 688, HB 746, HJR 12.**

Correctly enrolled: **HB 213.**

Correctly engrossed: **HJR 32.**

**HUMAN SERVICES** (Becker, Chairman):

4/7/2005

**HJR 32**, introduced joint resolution, be amended as follows:

1. Page 2, line 4.

**Following:** line 3

**Insert:** "BE IT FURTHER RESOLVED, that the Department be requested to report its findings and any intended changes to administrative rules and procedures to the Children, Families, Health, and Human Services Interim Committee."

And, as amended, be adopted. Report adopted.

**SB 308**, be concurred in. Report adopted.

**SB 433**, be concurred in. Report adopted.

**SJR 28**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

4/7/2005

**HJR 39**, be adopted. Report adopted.

**SB 477**, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

**House bills** returned to House **Not** concurred by Senate Committee of the Whole:

4/7/2005

**HB 693**, introduced by Wells

**HB 765**, introduced by Maedje

**House amendments to Senate bill** concurred in:

4/7/2005

**SB 127**, introduced by Keenan

**House amendments to Senate joint resolutions** concurred in:

4/7/2005

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**SJR 7**, introduced by Weinberg  
**SJR 12**, introduced by Kitzenberg

**House bills** concurred in and returned to the House:

4/7/2005

**HB 7**, introduced by Callahan  
**HB 8**, introduced by Witt  
**HB 9**, introduced by Witt  
**HB 170**, introduced by Wilson  
**HB 204**, introduced by Witt  
**HB 326**, introduced by Peterson  
**HB 346**, introduced by Golie  
**HB 436**, introduced by Himmelberger  
**HB 440**, introduced by Wiseman  
**HB 450**, introduced by Jopek  
**HB 451**, introduced by Sonju  
**HB 470**, introduced by Clark  
**HB 522**, introduced by W. Jones  
**HB 587**, introduced by Bergren  
**HB 591**, introduced by Jopek  
**HB 624**, introduced by Villa  
**HB 628**, introduced by Clark  
**HB 666**, introduced by Bergren  
**HB 684**, introduced by Maedje  
**HB 759**, introduced by Koopman

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/7/2005

**HB 140**, introduced by Parker  
**HB 146**, introduced by Gallik  
**HB 177**, introduced by A. Olson  
**HB 395**, introduced by Becker  
**HB 474**, introduced by Buzzas  
**HB 536**, introduced by Callahan  
**HB 687**, introduced by Mendenhall

**Conference Committee Report** adopted on 2nd Reading:

4/7/2005

**SB 278**, introduced by Black

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 805**, introduced by Clark, R. Brown, Ellingson, Elliott, Grinde, Gutsche, Harris, Lange, Mangan, Noennig, Parker, Wanzenried, Warden, referred to State Administration.  
**HB 806**, introduced by Clark, Bergren, R. Brown, Ellingson, Elliott, Grinde, Gutsche, Harris, Lange, Mangan, Noennig, Parker, Wanzenried, Warden, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:



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**HB 30 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 30** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 40 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 40** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Jayne, Sales, Sinrud.  
Total 3

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 49 - Senate Amendments** - Representative Wilson moved Senate amendments to **HB 49** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Malcolm.

Total 1

**HB 53 - Senate Amendments** - Representative Jacobson moved Senate amendments to **HB 53** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: McGillvray.

Total 1

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 55 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 55** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 67 - Governor's Amendments** - Representative Jent moved Governor's amendments to **HB 67** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Barrett, R. Brown, Butcher, Hawk, Hendrick, Himmelberger, Lake, Lange, McGillvray, Morgan, Rice, Ross, Sonju, Stahl, Stoker, Wagman, Ward.

Total 17

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 68 - Senate Amendments** - Representative Andersen moved Senate amendments to **HB 68** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Hawk, Jayne, Jent, Lange, Wagman.

Total 5

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 70 - Senate Amendments** - Representative Stahl moved Senate amendments to **HB 70** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju,

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Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Bixby, Campbell, Cohenour, Eaton, Gallik, Golie, Jayne, Jopek, Juneau, McAlpin.  
Total 10

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ward.  
Total 1

**HB 71 - Senate Amendments** - Representative Lake moved Senate amendments to **HB 71** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 73 - Senate Amendments** - Representative Buzzas moved Senate amendments to **HB 73** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Everett, Hawk, Klock, Koopman, Lange, McGillvray, Sales, Sinrud, Stoker, Wells.  
Total 10

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 105 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 105** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Balyeat, Everett, Hawk, Hendrick, Jayne, Lake, Lambert, Maedje, McGillvray, Mendenhall, Wells.  
Total 11

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Franklin.  
Total 1

**HB 119 - Senate Amendments** - Representative Golie moved Senate amendments to **HB 119** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: McGillvray.  
Total 1

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Wells.  
Total 1

**HB 142 - Senate Amendments** - Representative Ripley moved Senate amendments to **HB 142** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

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McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 150 - Senate Amendments** - Representative Galvin-Halcro moved Senate amendments to **HB 150** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Balyeat, Lake, Mendenhall, Rice, Sales, Sinrud, Taylor.  
Total 7

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Musgrove.  
Total 1

**HB 156 - Senate Amendments** - Representative Henry moved Senate amendments to **HB 156** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Hawk, Koopman, Lake, Lange, Sales, Wells.  
Total 7

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 297 - Senate Amendments** - Representative Wiseman moved Senate amendments to **HB 297** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Driscoll, Hawk, Lake, Sales, Sinrud.

Total 5

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 517 - Senate Amendments** - Representative Wiseman moved Senate amendments to **HB 517** be concurred in. Motion **failed** as follows:

Ayes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Lindeen, McAlpin, Musgrove, Raser, Small-Eastman, Villa, Wanzenried, Windy Boy, Wiseman.

Total 35

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 65

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 18** - Representative Harris moved **SB 18** be concurred in.

**SB 18** - Representative Sales moved **SB 18**, second reading copy, be amended.

Amendment **not** adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 47

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 53

Voted Absentee: Wanzenried, Windy Boy, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 18** - Motion to concur carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Arntzen, Balyeat, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Jayne, Klock, MacLaren, Malcolm, Mendenhall, Ripley, Sinrud, Wagman, Waitschies, Witt.  
Total 18

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 109** - Representative D. Brown moved **SB 109** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Ward, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Hawk, Stoker, Wanzenried, Warden, Windy Boy.  
Total 5



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Voted Absentee: Wanzenried, Windy Boy, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 110** - Representative Roberts moved **SB 110** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Koopman, Waitschies, Wells.

Total 5

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Klock, Lambert, Ripley.

Total 3

**SB 146** - Representative Parker moved **SB 146** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Balyeat, D. Brown, Everett, Hawk, Heinert, Hendrick, Jackson, Koopman, Sales, Sinrud, Wagman, Wells.

Total 12

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 207** - Representative Sonju moved **SB 207** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Jayne.  
Total 1

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Stahl.  
Total 1

**SB 224** - Representative Lake moved **SB 224** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Jackson, Mendenhall, Ripley, Stahl, Waitschies.  
Total 5

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 320** - Representative Himmelberger moved consideration of **SB 320** be placed below **SB 333** on the second reading board. Motion carried.

**SB 288** - Representative D. Brown moved **SB 288** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Everett, Koopman, Malcolm, Mendenhall, Morgan, Sales.  
Total 6

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Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

**SB 333** - Representative Lindeen moved consideration of **SB 333** be placed below **SB 289** on the second reading board.  
Motion carried.

**SB 491** - Representative Jacobson moved **SB 491** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Andersen, Balyeat, Everett, Hawk, Heinert, Jackson, Koopman, Lake, MacLaren, Taylor.  
Total 10

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 320** - Representative Peterson moved **SB 320** be concurred in.

**SB 320** - Representative Peterson moved **SB 320**, second reading copy, be amended as follows:

1. Page 3, line 18.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "\$450"

**Insert:** "\$600"

2. Page 3, line 19.

**Strike:** "\$300"

**Insert:** "\$600"

3. Page 3.

**Following:** line 19

**Insert:** "(b) In addition to the fees provided for in subsection (1)(a), there is an annual fee for a general permit authorization or an individual permit. The fee is \$600 and is subject to the annual fee reduction provisions in 75-5-516(2)(b)."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey,

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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**SB 320** - Representative Peterson moved **SB 320**, second reading copy, be further amended as follows:

1. Page 1, line 24.

**Following:** "operation"

**Insert:** "or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes"

2. Page 2, line 6.

**Strike:** "or broilers"

**Following:** "operation uses"

**Insert:** "other than"

3. Page 2, line 11.

**Following:** "means"

**Insert:** "an animal feeding operation with the type and number of animals that fall within any of the ranges listed in subsection (4)(a) and that has been defined or designated as a concentrated animal feeding operation. An animal feeding operation is defined as a medium concentrated animal feeding operation if"

4. Page 2, line 12.

**Strike:** "an animal feeding operation that"

**Insert:** "the type and number of animals that it"

**Following:** "stables or confines"

**Strike:** "animals that fall"

**Insert:** "falls"

**Following:** "within"

**Insert:** "any of"

5. Page 2, line 15.

**Following:** "other than"

**Insert:** "mature"

6. Page 2, line 28.

**Following:** "system;"

**Insert:** "or"

7. Page 2, line 30.

**Strike:** "an operation that meets"

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**Following:** "conditions"

**Insert:** "is met"

8. Page 3, line 4.

**Strike:** "lot or"

9. Page 3, line 9.

**Strike:** "part"

**Insert:** "parts 122.23 and"

10. Page 3, line 11.

**Strike:** "the federal regulations"

**Insert:** "40 CFR, part 412,"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 320** - Representative Wiseman moved **SB 320**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 39

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Eaton, Everett, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 61

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 320** - Representative Peterson moved **SB 320**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Eaton, Everett, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 74

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Driscoll, Facey, Franklin, Grinde, Gutsche, Harris, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Raser, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 25

Voted Absentee: Wanzenried, Windy Boy, Noes.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**SB 70** - Representative McAlpin moved **SB 70** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**SB 74** - Representative Facey moved **SB 74** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

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Noes: None.  
Total 0

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**SB 80** - Representative Lange moved **SB 80** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 80

Noes: Balyeat, Bergren, D. Brown, Everett, Heinert, Jackson, Jayne, Juneau, Klock, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Rice, Ripley, Sonju, Ward, Wells, Witt.  
Total 20

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 92** - Representative Cohenour moved **SB 92** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: D. Brown, Everett, Jackson, Klock, Lake, MacLaren, Maedje, Mendenhall, Rice, Sonju, Taylor, Ward.  
Total 12

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 104** - Representative Golie moved **SB 104** be concurred in.

**SB 104** - Representative Sonju moved **SB 104**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Voted Absentee: Wanzenried, Windy Boy, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 104** - Representative Clark moved **SB 104**, second reading copy, be amended as follows:

1. Page 2, line 24.  
**Following:** "proximate"  
**Insert:** "visual"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Sinrud, Wagman.  
Total 2

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 104** - Representative Ward moved consideration of **SB 104** be placed below **SB 131** on the second reading board. Motion **failed** as follows:



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Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Roberts, Sinrud, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 37

Noes: Balyeat, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sales, Sesso, Small-Eastman, Villa, Windham, Wiseman, Mr. Speaker.  
Total 55

Excused: Wanzenried, Windy Boy.  
Total 2

Absent or not voting: Becker, Dowell, Jacobson, Sonju, Waitschies, Wilson.  
Total 6

**SB 104** - Representative Villa moved for cloture. Motion carried as follows:

Ayes: Balyeat, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Villa, Waitschies, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Arntzen, Barrett, Butcher, Clark, Everett, Gallik, Hendrick, Himmelberger, W. Jones, Klock, Koopman, Lake, MacLaren, Maedje, McGillvray, Peterson, Rice, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 28

Excused: Wanzenried, Windy Boy.  
Total 2

Absent or not voting: Becker, Campbell, Jackson, Lange, Lenhart, Noonan, Sinrud.  
Total 7

**SB 104** - Representative Golie moved **SB 104**, as amended, be concurred in. Motion carried as follows:

Ayes: Becker, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Ward, Wells, Windy Boy, Witt.  
Total 41

Voted Absentee: Wanzenried, Aye; Windy Boy, No.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 287** - Representative Parker moved **SB 287** be concurred in.

**SB 287** - Representative Witt moved **SB 287**, second reading copy, be amended as follows:

1. Title, line 11.

**Following:** "LICENSED PHARMACY"

**Insert:** "OR A RETAIL ESTABLISHMENT UNDER RESTRICTED CONDITIONS"

2. Page 2, line 15.

**Following:** "7"

**Insert:** ", or a retail establishment that is at least 5,000 square feet in size and offers at least 1,000 stock keeping units"

3. Page 2, line 16.

**Following:** "PHARMACY"

**Insert:** "or retail establishment provided for in subsection (1)"

4. Page 2, line 18 through line 20.

**Following:** "pseudoephedrine"

**Strike:** remainder of line 18 through "PHARMACY" on line 20

**Insert:** "behind the store counter in an area that is not accessible to customers or in a locked case so that a customer is required to ask an employee of the licensed pharmacy or retail establishment for assistance in purchasing the product"

5. Page 2, line 28.

**Following:** "PHARMACY"

**Insert:** "or retail establishment provided for in subsection (1)"

6. Page 2, line 29.

**Following:** "PHARMACY"

**Insert:** "or retail establishment provided for in subsection (1)"

7. Page 3, line 1.

**Following:** "PHARMACY"

**Insert:** "or retail establishment provided for in subsection (1)"

8. Page 3, line 2.

**Following:** "PHARMACY"

**Insert:** "or retail establishment provided for in subsection (1)"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Ward, Wells, Windy Boy, Witt, Mr. Speaker.

Total 55

Noes: Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, McGillvray, Musgrove, Parker, Raser, Roberts, Small-Eastman, Wagman, Wanzenried, Warden, Wilson, Windham, Wiseman.

Total 45

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Voted Absentee: Windy Boy, Aye; Wanzenried, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 287** - Representative Parker moved **SB 287**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Jayne, Koopman, Lambert.

Total 3

Voted Absentee: Wanzenried, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Hawk, Hendrick, Jayne, Koopman, Lambert, Mendenhall, Rice, Sales, Sinrud, Wells.

Total 10

Excused: Wanzenried, Windy Boy.

Total 2

Absent or not voting: Stahl, Wagman.

Total 2

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman):

4/7/2005

**HJR 40**, be adopted. Report adopted.

**HJR 41**, be adopted. Report adopted.

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**TAXATION** (Waitschies, Chairman):

4/7/2005

**SB 68**, be amended as follows:

1. Page 6, line 6.

**Strike:** "property of"

2. Page 20.

**Following:** line 18

**Insert:** "COORDINATION SECTION. Section 19. Coordination instruction. If Senate Bill No. 48 is passed and approved and it removes the class eight property tax provision that would have phased out the taxation of class eight property contingent on a certain increase in state wages and salaries, then [section 6] of [this act] must read as follows:

"NEW SECTION. Section 6. Personal and other property exemptions. The following categories of property are exempt from taxation:

- (1) harness, saddlery, and other tack equipment;
- (2) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:
  - (a) construct, repair, and maintain improvements to real property; or
  - (b) repair and maintain machinery, equipment, appliances, or other personal property;
- (3) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
- (4) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- (5) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
  - (a) the acquired cost of the personal property is less than \$15,000;
  - (b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
  - (c) the lease of the personal property is generally on an hourly, daily, or weekly basis;
- (6) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance; and
- (7) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105."

And, as amended, be concurred in. Report adopted.

**SB 85**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE"

**Insert:** " AND A CONTINGENT TERMINATION DATE"

2. Page 2.

**Following:** line 8

**Insert:** "NEW SECTION. Section 5. Contingent termination. The voluntary income tax checkoff created in [section 1] terminates on January 1 of the first tax year following the 2 immediately preceding tax years in which the voluntary checkoff raises less than \$10,000 in each of those 2 tax years."

And, as amended, be concurred in. Report adopted.

**SB 87**, be amended as follows:

1. Page 4, line 13.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(4)(b)(ii)"

**Insert:** "and (4)(b)(iii)"

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And, as amended, be concurred in. Report adopted.

**SB 222**, be amended as follows:

1. Page 2, line 22.

**Following:** "methods"

**Insert:** "that is mutually agreed upon by the county and municipalities"

And, as amended, be concurred in. Report adopted.

**SB 261**, be concurred in. Report adopted.

**SB 292**, be concurred in. Report adopted.

**SB 296**, be amended as follows:

1. Page 2, line 1.

**Strike:** "and"

2. Page 2, line 2.

**Strike:** "."

**Insert:** "the parcel of land is greater than 20 acres but less than 160 acres and that the parcel is located within 15 air miles of the family-operated farming entity referred to in subsection (1)(b)(iii)(C); and (C) verifies that:"

3. Page 2, line 4.

**Following:** "production;"

**Insert:** "and"

And, as amended, be concurred in. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 143** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 43

Excused: Wanzenried, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**SB 324** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Jackson, Koopman, Lake, Sales.

Total 6

Excused: Wanzenried, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 81**. Motion carried.

The Speaker appointed:

Representative D Brown  
Representative Hendrick  
Representative Jent  
Representative Jacobson

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 135**. Motion carried.

The Speaker appointed:

Representative D Brown  
Representative Ripley  
Representative Eaton  
Representative Hamilton

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 272**. Motion carried.

The Speaker appointed:

Representative Lambert  
Representative A. Olson  
Representative Cohenour  
Representative Groesbeck

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 348**. Motion carried.

The Speaker appointed:

Representative Himmelberger  
Representative McKenney  
Representative Buzzas

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Representative Kaufmann

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 493**. Motion carried.

The Speaker appointed:

Representative McKenney  
Representative Milburn  
Representative Noonan  
Representative Wilson

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 517**. Motion carried.

The Speaker appointed:

Representative Himmelberger  
Representative McKenney  
Representative Wiseman  
Representative Galvin-Halcro

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 115**. Motion carried.

The Speaker appointed:

Representative McNutt  
Representative Warden  
Representative Groesbeck  
Representative Branae

Dem. Floor Leader Parker moved to re-refer **HJR 43** to the House Taxation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer **HB 805** and **HB 806** from the State Administration Committee to the Judiciary Committee. Without objection, so ordered.

Rep. Jopek moved to have the House reconsider its action on **HB 142** on April 6, 2005, and place back on 3rd Reading. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Small-Eastman, Villa, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 44

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 54

Excused: Wanzenried, Windy Boy.  
Total 2

Absent or not voting: None.

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Total 0

Rep. Sinrud moved to have the House reconsider its action on **SB 104** and place the bill on 2nd Reading for the purpose of amendment and discussion. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Butcher, Clark, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wiseman, Witt.

Total 53

Noes: Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wilson, Windham, Mr. Speaker.

Total 45

Excused: Wanzenried, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**SPECIAL ORDER OF THE DAY**

Consent Calendar: **HJR 34**. There being no questions, this bill will be placed on 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Friday, April 8, 2005. Motion carried.

House adjourned at 3:16 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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59TH LEGISLATURE  
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
April 8, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Groesbeck. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Noennig, Wanzenried and Windy Boy, excused. Quorum present.

Speaker Matthews and the House thanked the pages.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 10:25 a.m.

House reconvened at 10:38 a.m.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, and sixty-third legislative days, find the same to be correct.

Barrett, Chair

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

4/8/2005

Correctly printed: **HJR 39, HJR 40, HJR 41.**

Examined by the sponsor and found to be correct: **HB 7, HB 8, HB 9, HB 12, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 436, HB 440, HB 450, HB 451, HB 470, HB 513, HB 522, HB 528, HB 587, HB 591, HB 624, HB 628, HB 643, HB 666, HB 684, HB 759, HB 772.**

Correctly enrolled: **HB 7, HB 8, HB 9, HB 12, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 436, HB 440, HB 450, HB 451, HB 470, HB 513, HB 522, HB 528, HB 587, HB 591, HB 624, HB 628, HB 643, HB 666, HB 684, HB 759, HB 772.**

Signed by the Chief Clerk of the House at 4:00 p.m., April 6, 2005: **HB 104, HB 109, HB 169, HB 213, HB 324, HB 688, HB 746, HJR 12.**

Signed by the Speaker at 8:30 a.m., April 8, 2005: **HB 104, HB 109, HB 169, HB 213, HB 324, HB 688, HB 746, HJR 12.**

Signed by the President at 1:30 p.m., April 8, 2005: **HB 104, HB 109, HB 169, HB 213, HB 324, HB 746, HJR 12.**

Signed by the Chief Clerk of the House at 11:52 a.m., April 8, 2005: **HB 624.**

Signed by the Speaker at 11:57 a.m., April 8, 2005: **HB 624.**

Signed by the President at 11:57 a.m., April 8, 2005: **HB 624.**

Delivered to the Governor for approval at 12:00 p.m., April 8, 2005: **HB 624.**

Signed by the President at 1:30 p.m., April 8, 2005: **HB 688.**

Delivered to the Governor for approval at 2:00 p.m., April 8, 2005: **HB 688.**

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/8/2005

**SB 145**, introduced by Harrington  
**SB 385**, introduced by Esp  
**SB 466**, introduced by Esp

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**SB 423** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **SB 423**:

4/8/2005

Senator Laslovich  
Senator Mangan  
Senator Shockley

**SB 443** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **SB 443**:

4/8/2005

Senator Cocchiarella  
Senator Roush  
Senator Steinbeisser

**House bills** concurred in and returned to the House:

4/8/2005

**HB 12**, introduced by Sesso  
**HB 173**, introduced by Heinert  
**HB 299**, introduced by Wells  
**HB 513**, introduced by Raser  
**HB 528**, introduced by Koopman  
**HB 643**, introduced by Dowell  
**HB 772**, introduced by Facey

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/8/2005

**HB 406**, introduced by Bergren  
**HB 540**, introduced by Dickenson  
**HB 625**, introduced by Rice

**HB 63** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 63**:

4/8/2005

Senator Ryan  
Senator Story  
Senator Tester

**Conference Committee Report No.1** adopted:

4/8/2005

**SB 278**, introduced by Black

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 30** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson,

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Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: Wanzenried.  
Total 1

Absent or not voting: Campbell, Himmelberger, McAlpin, Sales, Sinrud.  
Total 5

**HB 40** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Jayne, Rice, Ripley, Sales.  
Total 4

Excused: Wanzenried.  
Total 1

Absent or not voting: Everett, McAlpin, Sinrud.  
Total 3

**HB 49** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud, Small-Eastman, Wiseman.  
Total 4

**HB 53** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: W. Jones, Koopman, McGillvray, Sales.

Total 4

Excused: Wanzenried.

Total 1

Absent or not voting: Klock, McAlpin, Sinrud.

Total 3

**HB 55** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Gallik, Kaufmann.

Total 2

Excused: Wanzenried.

Total 1

Absent or not voting: McAlpin, Sinrud.

Total 2

**HB 67** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Hawk, Hendrick, W. Jones, Koopman, Lake, Lange, MacLaren, McGillvray, McKenney, McNutt, Rice, Ripley, Ross, Sales, Sonju, Wagman, Ward, Wells, Witt.

Total 24

Excused: Wanzenried.

Total 1

Absent or not voting: McAlpin, Sinrud, Taylor.

Total 3

**HB 68** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Dowell, Gallik, Galvin-Halcro, Hawk, Jayne, Jent, Koopman, Musgrove, Sales, Wells, Windy Boy.  
Total 11

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 70** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Dickenson, Driscoll, Everett, Facey, Furey, Galvin-Halcro, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Small-Eastman, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

Noes: Balyeat, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Eaton, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Maedje, McKenney, Ripley, Sesso, Sonju, Villa, Wilson.  
Total 31

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 71** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

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**HB 73** passed as follows:

Ayes: Arntzen, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Malcolm, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wagman, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Klock, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Rice, Ripley, Roberts, Sales, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Wells.  
Total 33

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 105** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Malcolm, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Andersen, Balyeat, Everett, Hawk, Hendrick, Jayne, Koopman, Lake, Lambert, MacLaren, Maedje, McGillvray, Mendenhall, Noennig, Ripley, Sales, Stahl, Waitschies, Wells, Witt.  
Total 20

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 119** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Balyeat, Koopman, Maedje, McGillvray, Ripley.  
Total 5

Excused: Wanzenried.  
Total 1

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Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 142** (2/3 vote required) passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: B. Olson.  
Total 1

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 150** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Balyeat, Lake, Maedje, Mendenhall, Rice, Sales, Taylor, Waitschies, Wells.  
Total 9

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**HB 156** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: D. Brown, Everett, Hawk, Koopman, Lake, Lange, Maedje, Sales, Sonju, Wells.  
Total 10

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Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Morgan, Sinrud.  
Total 3

**HB 297** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Hawk, L. Jones, Lake.  
Total 3

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 18** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 88

Noes: Balyeat, Butcher, Hawk, Jayne, MacLaren, Maedje, Mendenhall, Wagman, Waitschies, Witt.  
Total 10

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin.  
Total 1

**SB 70** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97



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Noes: None.  
Total 0

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 74** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Buzzas, Everett, Jackson, Wilson.  
Total 4

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 80** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 76

Noes: Balyeat, Barrett, Bergren, D. Brown, Everett, Heinert, Jayne, Klock, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Rice, Ripley, Stahl, Wagman, Ward, Wells, Windy Boy, Witt.  
Total 21

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 92** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lenhart, MacLaren, Malcolm, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman,

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Waitschies, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: R. Brown, Everett, Glaser, Jackson, Klock, Lange, Lindeen, Maedje, McKenney, Mendenhall, Rice, Sales, Sonju, Stahl, Ward, Witt.  
Total 16

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 109** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Hawk, Jackson, Stahl, Stoker, Waitschies, Warden.  
Total 6

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 110** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Everett, Hawk, Jackson, Koopman, Lake, Sales, Sesso, Wells.  
Total 8

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 146** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro,

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Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Balyeat, D. Brown, Everett, Hawk, Heinert, Jackson, Koopman, Sales, Wagman, Wells.  
Total 10

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 207** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Sales.  
Total 1

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 224** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: Barrett, Everett, Jackson, Mendenhall, Ripley, Stahl, Waitschies, Witt.  
Total 8

Excused: Wanzenried.  
Total 1

Absent or not voting: McAlpin, Sinrud.  
Total 2

**SB 288** concurred in as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Everett, Koopman, Lake, Malcolm, Mendenhall, Sales.

Total 6

Excused: Wanzenried.

Total 1

Absent or not voting: McAlpin, Sinrud.

Total 2

**SB 302** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, D. Brown, Everett, Koopman, Lake, Maedje, Sales, Wells.

Total 8

Excused: Wanzenried.

Total 1

Absent or not voting: McAlpin, Sinrud.

Total 2

**SB 491** concurred in as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Andersen, Balyeat, Everett, Hawk, Jackson, W. Jones, Roberts, Stahl, Taylor.

Total 9

Excused: Wanzenried.

Total 1

Absent or not voting: McAlpin, Sinrud.

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Total 2

**HJR 34** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, B. Olson, Rice, Ripley, Sales, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Witt.  
Total 32

Excused: Wanzenried.  
Total 1

Absent or not voting: Driscoll, McAlpin, Sinrud.  
Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mendenhall in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 104** - Representative Golie moved **SB 104** be concurred in.

**SB 104** - Representative Lange moved **SB 104**, second reading copy, be amended as follows:

1. Page 3, line 7.  
**Strike:** the second "or"

2. Page 3, line 8.  
**Following:** "minor"  
**Insert:** "; or"

(viii) driving under a specific authorization for a specific purpose from the restricted licensee's parent or legal guardian. A peace officer may verify the authorization by contacting the parent or legal guardian

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, R. Brown, Butcher, Clark, Everett, Facey, Furey, Glaser, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 55

Noes: Becker, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser,

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Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 45

Voted Absentee: Sinrud, Aye; Wanzenried, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 104** - Representative Morgan moved **SB 104**, second reading copy, be further amended as follows:

1. Page 4, line 4.

**Following:** "be"

**Strike:** "fined an amount not to exceed \$500"

**Insert:** "ordered to perform not less than 20 hours or more than 60 hours of community service"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Everett, Glaser, Gutsche, Harris, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Wells, Windy Boy, Witt.  
Total 58

Noes: Barrett, Bergren, Bixby, Branae, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hawk, Henry, Hiner, Jent, L. Jones, Juneau, Keane, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Sinrud, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 42

Voted Absentee: Sinrud, Wanzenried, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 104** - Representative Golie moved **SB 104**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Bergren, Clark, Hawk, Heinert, Hendrick, Jackson, Jayne, Koopman, Lake, Lambert, Malcolm, McNutt, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Villa, Wagman, Witt.  
Total 23

Voted Absentee: Wanzenried, Aye; Sinrud, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 333** - Representative Jent moved **SB 333** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Mendenhall, Sales, Sinrud, Sonju, Stahl, Stoker, Ward, Wells.

Total 15

Voted Absentee: Wanzenried, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Hiner.

Total 1

**SB 358** - Representative McGillvray moved **SB 358** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Hawk, Koopman, Sales, Sinrud.

Total 4

Voted Absentee: Wanzenried, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 428** - Representative Jacobson moved **SB 428** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 49

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 51

Voted Absentee: Wanzenried, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 445** - Representative Ward moved **SB 445** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 92

Noes: Balyeat, Becker, Bixby, Buzzas, Dickenson, Juneau, Mendenhall, Wiseman.

Total 8

Voted Absentee: Sinrud, Wanzenried, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 121** - Representative Warden moved **SB 121** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Voted Absentee: Sinrud, Wanzenried, Ayes.

Excused: None.

Total 0

Absent or not voting: None.



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Total 0

**SB 131** - Representative Furey moved **SB 131** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Hawk, Koopman, Malcolm, McGillvray.

Total 4

Voted Absentee: Sinrud, Wanzenried, Ayes.

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

**SB 137** - Representative Roberts moved **SB 137** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: D. Brown, Hawk, Jayne, Koopman, Maedje, Rice, Sales, Sinrud, Wanzenried, Wells.

Total 10

Voted Absentee: Sinrud, Wanzenried, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 185** - Representative MacLaren moved **SB 185** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

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Noes: Barrett, D. Brown, R. Brown, Everett, Heinert, Jackson, Jayne, W. Jones, Klock, Koopman, Lambert, Rice, Ripley, Sales, Stahl, Wells, Witt.  
Total 17

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Stoker.  
Total 1

**SB 208** - Representative Everett moved **SB 208** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Jayne, Juneau.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Stahl, Stoker, Taylor.  
Total 3

**SB 221** - Representative Warden moved **SB 221** be concurred in. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, R. Brown, Campbell, Clark, Cohenour, Dowell, Driscoll, Facey, Furey, Glaser, Gutsche, Hamilton, Harris, Hendrick, Jackson, L. Jones, W. Jones, Klock, Lambert, Lange, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Warden, Witt, Mr. Speaker.  
Total 48

Noes: Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Dickenson, Eaton, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hawk, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lenhart, Lindeen, Malcolm, McKenney, Musgrove, Noonan, B. Olson, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 52

Voted Absentee: Wanzenried, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 277** - Representative McNutt moved **SB 277** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Clark, Dowell, Driscoll, Everett, Glaser, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.

Total 67

Noes: Bixby, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, McAlpin, Noonan, Sales, Sesso, Sinrud, Villa, Wilson, Windham, Wiseman.

Total 32

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

**SB 282** - Representative Windy Boy moved **SB 282** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Balyeat, Barrett, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Warden, Wells, Witt.

Total 27

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**SB 285** - Representative Bergren moved **SB 285** be concurred in.

**SB 285** - Representative Bergren moved **SB 285**, second reading copy, be amended as follows:

1. Page 231, line 26.

**Strike:** "[Section 4] is"

**Insert:** "[Section 4 and this section] are"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall,

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Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Koopman.  
Total 1

Excused: Wanzenried.  
Total 1

Absent or not voting: Himmelberger, Ripley, Wilson.  
Total 3

**SB 285** - Representative Bergren moved **SB 285**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Becker, D. Brown, Dickenson, Hawk, Jayne, Koopman, Morgan, Sales, Sinrud, Wells.  
Total 10

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 289** - Representative Arntzen moved **SB 289** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt.  
Total 95

Noes: Balyeat, Jayne, Wiseman.  
Total 3

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Buzzas, Mr. Speaker.  
Total 2

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**SB 318** - Representative John Balyeat moved **SB 318** be concurred in. Motion **failed** as follows:

Ayes: Bixby, Buzzas, Caferro, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Hendrick, Henry, Jacobson, Jopek, Juneau, Klock, McAlpin, McNutt, Noennig, Noonan, B. Olson, Parker, Raser, Stahl, Stoker, Villa, Wanzenried, Wilson, Mr. Speaker.

Total 34

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Driscoll, Everett, Furey, Gallik, Glaser, Gutsche, Hawk, Heinert, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.

Total 65

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Musgrove.

Total 1

**SB 114** - Representative Harris moved **SB 114** be concurred in.

**SB 114** - Representative Harris moved **SB 114**, second reading copy, be amended as follows:

1. Page 2, line 6.

**Strike:** "except as authorized"

2. Page 2, line 7.

**Strike:** "IN THIS CODE"

**Insert:** "unless:"

(i) authorized to act as an insurer or to transact insurance in this state by a subsisting certificate of authority issued by the commissioner pursuant to 33-2-101;

(ii) authorized or licensed by the commissioner to act an insurer or to transact insurance in this state as an eligible surplus lines insurer or producer pursuant to chapter 2, part 3, of this title; or

(iii) licensed by the commissioner to transact insurance in this state as an adjuster, administrator, consultant, or producer pursuant to chapter 17 of this title

3. Page 3, line 24.

**Strike:** "**AUTHORIZATION**"

**Insert:** "**CERTIFICATE OF AUTHORITY**"

4. Page 3, line 29 through line 30.

**Strike:** subsection 1 in its entirety

**Insert:** "(1) Except as expressly otherwise provided in this code, a person acting as an insurer and an insurer transacting insurance in this state must have a subsisting certificate of authority issued by the commissioner."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 95

Noes: Hawk, Koopman, Sales, Wells.

Total 4

Excused: Wanzenried.

Total 1

Absent or not voting: None.

Total 0

**SB 114** - Representative Harris moved **SB 114**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**SB 339** - Representative Jent moved **SB 339** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 91

Noes: Bixby, Buzzas, Dickenson, Gallik, Juneau, Waitschies, Wiseman.

Total 7

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Gutsche, Taylor.

Total 2

**HJR 38** - Representative Butcher moved **HJR 38** be adopted. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Hawk, Keane, Lake, Malcolm, B. Olson, Peterson, Waitschies.

Total 7

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 45** - Representative Lange moved consideration of **HB 45** be placed below **SB 406** on the second reading board. Motion carried.

**SB 412** - Representative Bergren moved **SB 412** be concurred in.

**SB 412** - Representative Bergren moved **SB 412**, second reading copy, be amended as follows:

1. Page 9, following line 27.

**Insert:** "(3) [Sections 15 through 22] do not apply to private residences or farm and ranch operations."

2. Page 12, line 4.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Butcher, Sonju, Waitschies, Ward.

Total 4

Excused: Wanzenried.

Total 1

Absent or not voting: None.

Total 0

**SB 412** - Representative Bergren moved **SB 412**, as amended, be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson,

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Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Taylor, Waitschies, Wells.

Total 32

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Stahl.

Total 2

**SB 43** - Representative Driscoll moved **SB 43** be concurred in.

**SB 43** - Representative Keane moved for cloture. Motion carried with a voice vote.

**SB 43** - Motion to concur **failed** as follows:

Ayes: Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Furey, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Noennig, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Mr. Speaker.

Total 42

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Campbell, Eaton, Everett, Franklin, Gallik, Glaser, Golie, Groesbeck, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Wiseman, Witt.

Total 58

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 344** - Representative Parker moved **SB 344** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 45

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 55



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Mendenhall moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: D. Brown, Cohenour, Gallik, Harris, Hiner, McGillvray, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Noennig, Chairman):

4/8/2005

**SB 245**, be concurred in. Report adopted.

**SB 255**, be concurred in. Report adopted.

**SB 301**, be concurred in. Report adopted.

**SJR 11**, be amended as follows:

1. Page 1, line 9 through line 10.

**Strike:** "to" on line 9 through "purposes" on line 10

2. Page 1, line 11 through line 23.

**Strike:** "WHEREAS" on line 11 through "review." on line 23

**Insert:** "WHEREAS, since its enactment, the Montana Legislature has adopted numerous amendments to the Montana Subdivision and Platting Act and yet procedural and substantive issues continue to emerge; and

WHEREAS, acting under House Joint Resolution No. 37 from the 2003 Legislative Session, the Education and Local Government Interim Committee, working with a broad-based group of affected and interested parties, was able to reach consensus regarding many subdivision review process issues, resulting in the introduction of Senate Bill No. 116 in the 2005 Legislative Session; and

WHEREAS, members of the Education and Local Government Interim Committee, as well as the citizens involved in the interim study, realize that many substantive issues remain regarding subdivision review and especially its appropriate role in and interplay with local land use planning and regulation."

3. Page 1, line 28.

**Following:** "to"

**Insert:** "review all relevant portions of the Montana Subdivision and Platting Act and the Act's appropriate role in and interplay with local government land use planning and regulation, including but not limited to"

4. Page 1, line 29.

**Following:** "(1)"

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**Insert:** "a"  
**Following:** "review"  
**Insert:** "of"

5. Page 1, line 30.  
**Following:** "(2)"  
**Insert:** "a"  
**Following:** the first "review"  
**Insert:** "of"

6. Page 2, line 1.  
**Following:** "(3)"  
**Insert:** "the need to"

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):  
**HJR 42**, do pass. Report adopted.  
**SJR 29**, be concurred in. Report adopted.

4/8/2005

**TAXATION** (Waitschies, Chairman):  
**SB 323**, be concurred in. Report adopted.  
**SB 340**, be concurred in. Report adopted.  
**SB 432**, be amended as follows:

4/8/2005

1. Page 1, line 17.  
**Following:** "trust"  
**Insert:** "that is an instrumentality of the state and that is created for a public purpose"

2. Page 1, line 20.  
**Following:** "trust."  
**Insert:** "Each participating trust account represents a trust interest in the trust and includes amounts received by the program from account owners pursuant to the participating trust agreement and interest and investment income earned by the trust account."

3. Page 2, line 27.  
**Strike:** "6 months"  
**Insert:** "90 days"

4. Page 4, line 8.  
**Strike:** "among"  
**Insert:** "between"  
**Following:** "the board."  
**Strike:** "the"  
**Insert:** "as"  
**Following:** "trustee"  
**Insert:** "and as administrator of the program"

5. Page 4, line 24.  
**Following:** "(1)"  
**Insert:** "The program must be operated through use of accounts in the trust established by account owners. Payments to the trust for participation in the program must be made by account owners pursuant to participating trust agreements."  
**Following:** "~~into~~"  
**Insert:** "participate in the program and"

6. Page 8, line 19.  
**Following:** "institutions"

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**Insert:** ", as agents of the trust,"

7. Page 9, line 24.

**Following:** "(9)"

**Insert:** "If the board determines not to renew the appointment of a financial institution as program manager, the board may take action consistent with the interest of the program and the accounts and in accordance with its duties as trustee of the trust."

8. Page 10, line 7.

**Following:** "contract"

**Insert:** "and all services provided by the financial institution to accounts continue to be subject to the control of the board as trustee of the trust with responsibility for all accounts in the program"

9. Page 11, line 5.

**Following:** "as the"

**Insert:** "program"

**Strike:** "of the program"

10. Page 11, line 22.

**Strike:** "and"

11. Page 11, line 23.

**Following:** "[section 1]"

**Insert:** ";

(i) enter into participating trust agreements with account owners; and

(j) maintain the program on behalf of the state as required by section 529 of the Internal Revenue Code, 26 U.S.C. 529"

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Rep. Sinrud moved to have his vote on SB 18 changed to a yes. Without objection, so ordered.

Rep. Golie moved the House postpone consideration on **SB 221** until March 1, 2006. This requires a majority vote. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Musgrove, Noonan, B. Olson, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzienried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Facey, Furey, Glaser, Harris, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.

Total 46

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 423**. Motion carried.

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The Speaker appointed:

Representative Everett  
Representative Sonju  
Representative Noonan  
Representative Harris

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 443**. Motion carried.

The Speaker appointed:

Representative Klock  
Representative Arntzen  
Representative Furey  
Representative Windy Boy

Dem. Floor Leader Parker moved to have the House reconsider its action on **HB 287** and place it back on 2nd Reading for an amendment. This requires a majority vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, April 9, 2005. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
April 9, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Stoker. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Everett, excused. Quorum present.

Speaker Matthews introduced the following honorary pages: Derek Daniel, Billings; Jamaica Kaercher, Havre; and William Wangen, Helena.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 4/9/2005  
Correctly printed: **HJR 38, HJR 42.**

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in: 4/9/2005

**SB 2**, introduced by Laible  
**SB 138**, introduced by Weinberg  
**SB 183**, introduced by Laible  
**SB 186**, introduced by Joe Balyeat  
**SB 294**, introduced by Hawks  
**SB 388**, introduced by Keenan  
**SB 434**, introduced by Lewis  
**SB 472**, introduced by Perry

**House amendments to Senate bills not** concurred in: 4/9/2005

**SB 107**, introduced by Smith  
**SB 139**, introduced by Esp  
**SB 154**, introduced by Cobb  
**SB 175**, introduced by Cromley  
**SB 217**, introduced by Larson  
**SB 461**, introduced by Steinbeisser

**MESSAGES FROM THE GOVERNOR**

April 8, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Matthews and President Tester:

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In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments to Senate Bill No. 326, "AN ACT REVISING THE LAW ON EXCAVATION NEAR UNDERGROUND FACILITIES; PROVIDING FOR SPECIFIC DAMAGE FEES; SETTING A DEADLINE FOR PAYMENT OF FEES; ALLOWING FOR JUDICIAL REVIEW OF FEES LEVIED; DESIGNATING THE USE OF FEES COLLECTED; PROVIDING FOR THE MAINTENANCE OF DAMAGE INCIDENT HISTORIES; AND AMENDING SECTIONS 69-4-501 AND 69-4-505, MCA," in the following manner:

Senate Bill No. 326 imposes damage fees against excavators who have failed to obtain information as to the location of an underground facility from a one-call notification center and have damaged an underground facility. The damage fees imposed under Senate Bill No. 326 are in addition to the excavator's liability to the owner of the underground facility for the full cost of the repair of the facility, pursuant to existing law.

My amendment reduces the damages fees that may be assessed against the excavator from a maximum of \$250 to \$125 for the first incident; from a maximum of \$1,000 to \$250 for the second incident; and from \$2,500 to \$500 for the third and subsequent incidents. I have proposed this amendment because I am concerned that the level of fees contained in the bill in its current form are excessive in relation to the egregiousness of the conduct giving rise to the fees and may be onerous to excavators operating small businesses. My amendment does not alter current law that fully compensates the owners of underground facilities for the cost of the repairs.

I have discussed my proposed amendment with the sponsor of the bill, Senator Jesse Laslovich. The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 326  
Amendments to Senate Bill No. 326  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Page 3, line 7.

**Strike:** "\$250"

**Insert:** "\$125"

2. Page 3, line 9.

**Strike:** "\$1,000"

**Insert:** "\$500"

3. Page 3, line 11.

**Strike:** "\$2,500"

**Insert:** "\$1,000"

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hamilton in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**HB 45** - Representative A. Olson moved **HB 45** do pass.

**HB 45** - Representative A. Olson moved **HB 45**, second reading copy, be amended as follows:

1. Page 2, line 11.

**Strike:** "PERSON"

**Insert:** "relative or household member"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Balyeat, Butcher, Jackson, W. Jones, Malcolm, Mendenhall, Stahl, Taylor.  
Total 8

Voted Absentee: Everett, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 45** - Representative A. Olson moved **HB 45**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, R. Brown, Butcher, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Lake, Maedje, Malcolm, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Stahl, Wagman, Wells.  
Total 22

Voted Absentee: Everett, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Hamilton.  
Total 1

**SB 380** - Representative Dowell moved **SB 380** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey,

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Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Hawk, Koopman.

Total 2

Voted Absentee: Everett, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 406** - Representative McGillvray moved **SB 406** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, R. Brown, Butcher, Glaser, Hawk, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Maedje, Malcolm, McKenney, Mendenhall, Sales, Sinrud, Wagman, Wells.

Total 19

Voted Absentee: Everett, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 407** - Representative McGillvray moved **SB 407** be concurred in. Motion **failed** as follows:

Ayes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, McGillvray, McNutt, Noennig, Noonan, Parker, Raser, Small-Eastman, Stoker, Waitschies, Wanzenried, Wilson, Windham.

Total 41

Noes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, Butcher, Caferro, Campbell, Eaton, Everett, Furey, Glaser, Golie, Groesbeck, Henry, Hiner, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Ward, Warden, Wells, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 59

Voted Absentee: Everett, No.



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 426** - Representative Parker moved **SB 426** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Jackson, Sinrud.  
Total 2

Voted Absentee: Everett, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 452** - Representative Windham moved **SB 452** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Rice, Sales.  
Total 2

Voted Absentee: Everett, Aye.

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**SB 480** - Representative Gallik moved **SB 480** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner,

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Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, R. Brown, Hawk, Hendrick, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, Maedje, McNutt, Mendenhall, Rice, Ross, Sales, Stahl, Stoker, Waitschies, Wells.  
Total 20

Voted Absentee: Everett, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 486** - Representative McKenney moved consideration of **SB 486** be passed for the day. Motion carried.

**SB 504** - Representative Stoker moved **SB 504** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Balyeat, Campbell, McAlpin, Noennig.  
Total 4

Voted Absentee: Everett, Aye.

Excused: None.  
Total 0

Absent or not voting: Lambert, A. Olson, Waitschies.  
Total 3

**SB 507** - Representative Hendrick moved **SB 507** be concurred in.

**SB 507** - Representative Mendenhall moved **SB 507**, second reading copy, be amended as follows:

1. Title, line 9 through line 10.  
**Strike:** "INCREASING" on line 9 through "TITLE:" on line 10  
**Strike:** "61-3-203, 61-3-204," on line 10

2. Title, line 11.  
**Following:** "PROVIDING"  
**Insert:** "AN IMMEDIATE"  
**Strike:** "DATES"  
**Insert:** "DATE"

3. Page 5, line 4 through line 28.  
**Strike:** sections 4 and 5 in their entirety

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**Renumber:** subsequent sections

4. Page 11, line 20 through page 12, line 3.

**Strike:** section 12 through section 14 in their entirety

**Renumber:** subsequent sections

5. Page 12, line 10.

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1)" through "[this act]"

**Insert:** "[This act]"

6. Page 12, line 12.

**Strike:** subsection (2) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 48

Voted Absentee: Everett, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 507** - Representative Hendrick moved **SB 507**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Bixby, Caferro, Dowell, Everett, Franklin, Galvin-Halcro, Jacobson, Juneau, Kaufmann, Klock, Musgrove, Taylor, Windy Boy.

Total 13

Voted Absentee: Everett, No.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 606** - Senate Amendments - Representative Gutsche moved Senate amendments to **HB 606** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Everett, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Hamilton moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Buzzas, Cohenour, Dowell, Koopman, Sales.  
Total 5

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 38** adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Hawk, Keane, Lake, Malcolm, B. Olson, Peterson, Sales, Wagman, Waitschies.  
Total 9

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 121** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Balyeat, Campbell, Jayne.  
Total 3

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 131** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hawk, Koopman, Malcolm.  
Total 3

Excused: Everett.  
Total 1

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Absent or not voting: None.  
Total 0

**SB 137** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Bergren, Hawk, Jayne, Koopman, Maedje, Mendenhall, Sales, Sinrud, Wanzenried, Wells.  
Total 10

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 185** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Barrett, Butcher, Hawk, Jackson, W. Jones, Koopman, Lambert, Maedje, Morgan, Rice, Ripley, Sales, Sonju, Stahl, Wells.  
Total 15

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 208** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

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Noes: Jayne, Malcolm.  
Total 2

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 277** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Driscoll, Franklin, Glaser, Gutsche, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 65

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hawk, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, McAlpin, Musgrove, Noonan, Raser, Sales, Sinrud, Sonju, Villa, Windham, Wiseman.  
Total 34

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 282** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Glaser, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Ross, Sales, Sonju, Wagman, Warden, Witt.  
Total 25

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 287** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

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McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Jayne, Koopman, Lambert, Wagman.  
Total 4

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 289** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 93

Noes: Buzzas, Harris, MacLaren, Stahl, Wells, Wiseman.  
Total 6

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 320** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Eaton, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Driscoll, Facey, Franklin, Grinde, Gutsche, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Raser.  
Total 21

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 333** concurred in as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark,



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Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 80

Noes: Andersen, Balyeat, D. Brown, Butcher, Hawk, Heinert, Jackson, W. Jones, Lake, Maedje, Mendenhall, Rice, Sales, Sinrud, Sonju, Stahl, Taylor, Wells, Witt.  
Total 19

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 339** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 90

Noes: Balyeat, Bixby, Buzzas, Dickenson, Harris, Juneau, Kaufmann, Waitschies, Wiseman.  
Total 9

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

**SB 358** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hawk, Koopman, Sales.  
Total 3

Excused: Everett.  
Total 1

Absent or not voting: None.

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Total 0

**SB 445** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Bixby, Harris, Jackson, Juneau, Lake, Mendenhall, Wiseman.

Total 8

Excused: Everett.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Buzzas, Chairman):

4/9/2005

**SB 58**, be concurred in. Report adopted.

**SB 93**, be concurred in. Report adopted.

**SB 108**, be concurred in. Report adopted.

**SB 120**, be concurred in. Report adopted.

**SB 197**, be concurred in. Report adopted.

**SB 489**, be concurred in. Report adopted.

**SB 498**, be concurred in. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

4/9/2005

**HJR 37**, be adopted. Report adopted.

**SB 41**, be amended as follows:

1. Page 1, line 19.

**Strike:** "security"

**Insert:** ", social,"

2. Page 1, line 22 and 23.

**Strike:** line 22 and line 23 in their entirety

**Insert:** "(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care."

And, as amended, be concurred in. Report adopted.

**SB 82**, be concurred in. Report adopted.

**SB 275**, be concurred in. Report adopted.

**SJR 30**, be concurred in. Report adopted.

**CONFERENCE** (Tropila, Chairman):

4/9/2005

**SB 81**, be amended.

And as amended, be concurred in. Report adopted.

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**MOTIONS**

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 606**. Motion carried:

The Speaker appointed the following members:

Representative Gutsche  
Representative Jopek  
Representative Peterson  
Representative Ross

Rep. Cohenour moved the House reconsider its action on April 8, 2005, on **SB 318** for the purpose of placing the bill on 2nd Reading. Motion passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 49

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Jacobson moved the House reconsider its action on April 8, 2005, on **SB 428** for the purpose of placing the bill on 2nd Reading.

Rep. Sales moved to table Rep. Jacobson's motion. Motion **failed** as follows:

Ayes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.  
Total 45

Noes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 54

Excused: Everett.  
Total 1

Absent or not voting: None.  
Total 0

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Motion to reconsider action on **SB 428** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Witt.  
Total 48

Voted Absentee: Everett, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Monday, April 11, 2005. Motion carried.

House adjourned at 10:06 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

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59TH LEGISLATURE  
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
April 11, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Windham. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following pages: John Butts, Bigfork; Robby Deming, Bozeman; Arron Fjeld, Hinsdale; Alyssa Lanz, Boulder; Molly Miltenberger, Clancy; Jenny Tiskus, Polson; Jessica Wagner, Missoula.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:00 p.m.

House reconvened at 1:03 p.m.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman):

4/11/2005

Correctly printed: **HJR 37**.

Correctly engrossed: **HB 45**.

Signed by the Chief Clerk of the House at 10:00 a.m., April 9, 2005: **HB 7, HB 8, HB 9, HB 12, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 436, HB 440, HB 450, HB 451, HB 470, HB 513, HB 522, HB 528, HB 587, HB 591, HB 628, HB 643, HB 666, HB 684, HB 759, HB 772**.

Signed by the Speaker at 8:10 a.m., April 11, 2005: **HB 7, HB 8, HB 9, HB 12, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 436, HB 440, HB 450, HB 451, HB 470, HB 513, HB 522, HB 528, HB 587, HB 591, HB 628, HB 643, HB 666, HB 684, HB 759, HB 772**.

Signed by the President at 12:00 p.m., April 11, 2005: **HB 7, HB 8, HB 9, HB 12, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 436, HB 440, HB 450, HB 451, HB 470, HB 513, HB 522, HB 528, HB 587, HB 591, HB 628, HB 643, HB 666, HB 684, HB 759, HB 772**.

Delivered to the Governor for approval at 12:45 p.m., April 11, 2005: **HB 7, HB 8, HB 9, HB 12, HB 170, HB 173, HB 204, HB 299, HB 326, HB 346, HB 436, HB 440, HB 450, HB 451, HB 470, HB 513, HB 522, HB 528, HB 587, HB 591, HB 628, HB 643, HB 666, HB 684, HB 759, HB 772**.

Delivered to the Secretary of State at 8:35 a.m., April 11, 2005: **HJR 12**.

Delivered to the Governor for approval at 8:30 a.m., April 11, 2005: **HB 104, HB 109, HB 169, HB 213, HB 324, HB 746**.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

4/11/2005

**SB 88**, introduced by Squires

**SB 91**, introduced by Smith

**SB 116**, introduced by Laible

**SB 118**, introduced by Wheat

**SB 119**, introduced by Schmidt

**SB 122**, introduced by Wheat

**SB 123**, introduced by Black

**SB 164**, introduced by Gillan

**SB 191**, introduced by Grimes

**SB 196**, introduced by Wheat

**SB 231**, introduced by Laslovich

**SB 248**, introduced by Joe Balyeat

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**SB 259**, introduced by Lewis  
**SB 279**, introduced by Moss  
**SB 290**, introduced by Mangan  
**SB 314**, introduced by Larson  
**SB 342**, introduced by Laslovich  
**SB 435**, introduced by Wheat  
**SB 458**, introduced by Gillan  
**SB 481**, introduced by Cocchiarella  
**SB 487**, introduced by Pease

**House amendments to Senate bill not concurred in:** 4/11/2005

**SB 396**, introduced by Joe Balyeat

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/11/2005

**HB 2**, introduced by Witt  
**HB 99**, introduced by Lange

**SB 107** - The Senate failed to concur in House amendments to **SB 107**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 107**: 4/11/2005

Senator Black  
Senator Larson  
Senator Smith

**SB 139** - The Senate failed to concur in House amendments to **SB 139**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 139**:

4/11/2005

Senator Cromley  
Senator Esp  
Senator Laslovich

**SB 146** - The Senate failed to concur in House amendments to **SB 146**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 146**: 4/11/2005

Senator Wheat  
Senator Ellingson  
Senator McGee

**SB 154** - The Senate failed to concur in House amendments to **SB 154**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 154**:

4/11/2005

Senator Cobb  
Senator Lind  
Senator Williams

**SB 175** - The Senate failed to concur in House amendments to **SB 175**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 175**:

4/11/2005

Senator Cromley  
Senator Esp  
Senator Moss

**SB 217** - The Senate failed to concur in House amendments to **SB 217**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 217**:

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4/11/2005

Senator Cocchiarella  
Senator Kitzenberg  
Senator Larson

**SB 461** - The Senate failed to concur in House amendments to **SB 461**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 461**:  
4/11/2005

Senator Roush  
Senator Steinbeisser  
Senator Tash

**HB 115** - The Senate failed to concur in House amendments to **HB 115**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 115**:  
4/11/2005

Senator Essmann  
Senator Gillan  
Senator Toole

**HB 135** - The Senate failed to concur in House amendments to **HB 135**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 135**:  
4/11/2005

Senator Pease  
Senator Steinbeisser  
Senator Weinberg

**HB 272** - The Senate failed to concur in House amendments to **HB 272**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 272**:  
4/11/2005

Senator Bales  
Senator Gallus  
Senator Tropila

**HB 348** - The Senate failed to concur in House amendments to **HB 348**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 348**:  
4/11/2005

Senator Cocchiarella  
Senator Grimes  
Senator Williams

**HB 361** - The Senate failed to concur in House amendments to **HB 361**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 361**:  
4/11/2005

Senator Gebhardt  
Senator Harrington  
Senator Toole

**HB 367** - The Senate failed to concur in House amendments to **HB 367**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 367**:  
4/11/2005

Senator Cromley  
Senator Mangan  
Senator Perry

**HB 493** - The Senate failed to concur in House amendments to **HB 493**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **HB 493**:  
4/11/2005

Senator Gallus  
Senator Lewis

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Senator Williams

**HB 517** - The Senate failed to concur in House amendments to **HB 517**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 517**:  
4/11/2005

Senator Laible  
Senator Smith  
Senator Tester

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 104** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Balyeat, Barrett, Bergren, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Jayne, Koopman, Lambert, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Villa, Wells, Witt.  
Total 25

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**SB 114** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Glaser, Jayne.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Jackson.  
Total 1

**SB 285** concurred in as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Becker, D. Brown, Hawk, Jayne, Koopman, Sales, Sinrud, Wells.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 380** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Hawk, Koopman.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 406** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: R. Brown, Butcher, Everett, Hawk, Himmelberger, Jackson, Jayne, W. Jones, Koopman, Lambert, Malcolm, McKenney, Mendenhall, Sales, Stahl, Wagman, Wells, Witt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**SB 412** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 65

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Buzzas, Clark, Everett, Glaser, Hawk, Heinert, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Sonju, Stoker, Waitschies, Warden, Wells.

Total 34

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**SB 426** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Balyeat, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 452** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Rice.

Total 1

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 480** concurred in as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Malcolm, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 62

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Windy Boy, Witt.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 504** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Balyeat, D. Brown, McAlpin, Morgan, Noennig, Sonju, Stahl.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 486** - Representative McKenney moved **SB 486** be concurred in.

**SB 486** - Representative Keane moved **SB 486**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "BROKER;"

**Insert:** "CLARIFYING REQUIREMENTS FOR ENTERING INTO A VIATICAL SETTLEMENT CONTRACT;"

2. Title, line 8.

**Following:** "33-20-1303,"

**Insert:** "33-20-1313,"

3. Page 4, following line 7.

**Insert:** "(3) Regardless of the manner in which a viatical settlement broker or insurance producer is compensated, the viatical settlement broker or insurance producer must be considered to represent only the viator and the viatical settlement broker or insurance producer owes a fiduciary duty to the viator to act according to the viator's instructions and in the best interests of the viator."

**Renumber:** subsequent subsections

4. Page 4, following line 30.

**Insert:** "Section 3. Section 33-20-1313, MCA, is amended to read:

**"33-20-1313. ~~Prohibitions~~ Requirements for entering into viatical settlement contract -- prohibitions on finder's fee -- solicitations -- discrimination -- false or misleading advertising or solicitation -- misuse of confidential information.** (1) A person may not enter into a viatical settlement contract within a 2-year period from the date of issuance of an insurance policy or certificate unless the person certifies to the viatical settlement provider that one or more of the following conditions have been met within the 2-year period:

(a)(i) the policy or certificate was issued upon the person's exercise of conversion rights arising out of a group or individual policy or certificate and the total of the time covered under the conversion policy or certificate plus the time covered by the policy or certificate prior to the conversion equal at least 24 months; and

(ii) the time covered under a group policy or certificate was calculated without regard to any change in insurance carriers if the coverage was continuous and under the same group sponsorship; or

(b) the person submits independent evidence to the viatical settlement provider that one or more of the following conditions have been met within the 2-year period:

(i) the person is terminally ill or chronically ill; or

(ii) the person has disposed of the person's ownership interest in a closely held corporation pursuant to the terms of a buyout agreement or similar agreement that was in effect at the time that the insurance policy or certificate was issued.

(2) Copies of the certification and independent evidence required under subsection (1) must be submitted by the viatical settlement provider to the insurer when the viatical settlement provider submits a request to the insurer for verification of coverage. The copies must be accompanied by a letter of attestation from the viatical settlement provider that the copies are true and correct copies of the documents received by the viatical settlement provider.

~~(1)~~(3) A licensee may not pay or offer to pay a finder's fee, commission, or other compensation to a person described in this subsection ~~(1)~~ (3) in connection with a policy insuring the life of an individual with a terminal illness or condition. The prohibition under this subsection ~~(1)~~ (3) applies with respect to payments or offers of payment to:

(a) the physician, attorney, or accountant of the policyholder, the certificate holder, or the insured individual;

(b) any person other than a physician, attorney, or accountant described in subsection ~~(1)~~(a) (3)(a) who provides medical, legal, or financial planning services to the policyholder, to the certificate holder, or to the insured individual when the individual is other than the policyholder or certificate holder; or

(c) any person other than one described in subsection ~~(1)~~(a) (3)(a) or ~~(1)~~(b) (3)(b) who acts as an agent of the policyholder, certificate holder, or insured individual.

~~(2)~~(4) A licensee may not solicit an investor who could influence the treatment of the illness or condition of the individual whose life would be the subject of a viatical settlement contract.

~~(3)~~(5) All information solicited or obtained from a policyholder or certificate holder by a licensee is subject to the confidentiality requirements set forth in Title 33, chapter 19. For purposes of this subsection, a licensee must be considered an insurance-support organization as defined in 33-19-104.

~~(4)~~(6) A licensee may not discriminate in the making of a viatical settlement contract on the basis of race, age, sex, national origin, creed, religion, occupation, marital or family status, or sexual orientation and may not discriminate between persons who have dependents and persons who do not have dependents.

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~~(5)~~(7) A person licensed pursuant to 33-20-1304 may not engage in any false or misleading advertising, solicitation, or practice as described in 33-18-203.

~~(6)~~(8) A person licensed pursuant to 33-20-1304 may not sell another product of insurance to the contract holder unless approval is obtained from the commissioner.""

**Renumber:** subsequent section

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 486** - Representative Harris moved **SB 486**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: Jopek.  
Total 1

**SB 486** - Representative McKenney moved **SB 486**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson,

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Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Caferro, Dickenson, Gutsche, Hamilton, Harris, Kaufmann, Windham.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 245** - Representative Hendrick moved **SB 245** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Barrett.  
Total 1

Excused: None.  
Total 0

Absent or not voting: W. Jones.  
Total 1

**SB 255** - Representative McNutt moved **SB 255** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: D. Brown, Hawk, Jayne, Rice.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**SB 301** - Representative Stahl moved **SB 301** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson,

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Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 84

Noes: Becker, Everett, Hawk, Jayne, Koopman, Malcolm, McGillvray, Musgrove, Rice, Sales, Wells.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Andersen, D. Brown, Maedje, McKenney, Mr. Speaker.  
Total 5

**SB 308** - Representative Warden moved **SB 308** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**SB 433** - Representative McAlpin moved **SB 433** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Balyeat, Everett, Hawk, Heinert, Jackson, Klock, Koopman, Lake, Malcolm, Mendenhall, Rice, Ross, Sales, Sinrud, Ward, Wells.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Callahan, Keane.  
Total 2

**SB 477** - Representative Hamilton moved **SB 477** be concurred in.

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**SB 477** - Representative D. Brown moved **SB 477**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

2. Page 2, line 19.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2006"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Campbell, Driscoll, Everett, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 75

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Franklin, Galvin-Halcro, Golie, Henry, Jayne, Jopek, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Sesso, Small-Eastman, Villa, Windham.  
Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 477** - Representative Hamilton moved **SB 477**, as amended, be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 62

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Peterson, Rice, Ross, Sales, Sonju, Taylor, Wagman, Ward, Wells, Witt.  
Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved that the following bills be placed on the second reading board after **HB 146: HB 192, HB 230, HB 266, HB 302, HB 307, HB 317, HB 345, HB 349, and HB 502.** Without objection, so ordered.

**SB 82** - Representative Facey moved **SB 82** be concurred in. Motion carried as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll,



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Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 275** - Representative Becker moved **SB 275** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Waitschies, Wells, Witt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 30** - Representative Kaufmann moved **SJR 30** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 140 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 140** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Andersen, Everett, Hawk, Heinert, Koopman, Maedje, Malcolm, Mendenhall, Sales, Sinrud, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 146 - Senate Amendments** - Representative Gallik moved Senate amendment to **HB 146** not be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 93

Noes: Hawk, Jayne, Koopman, Malcolm, Mendenhall, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 192 - Senate Amendments** - Representative Waitschies moved Senate amendments to **HB 192** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: R. Brown, Buzzas, Caferro, Dickenson, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Kaufmann, Keane, Lindeen, Sesso.

Total 13

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Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 230 - Senate Amendments** - Representative Jacobson moved Senate amendments to **HB 230** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Hawk, Maedje, Mendenhall, Milburn, Sales, Sinrud, Stahl.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 266 - Governor's Amendments** - Representative Rice moved Governor's amendments to **HB 266** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Gutsche, Kaufmann.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 302 - Senate Amendments** - Representative Driscoll moved Senate amendments to **HB 302** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross,

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Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Hawk, McGillvray, B. Olson, Wells.  
Total 4

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**HB 307 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 307** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Clark, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 317 - Senate Amendments** - Representative Hamilton moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Everett, Himmelberger, Lange, Maedje, Mendenhall, Morgan, Sales, Wagman, Ward, Wells.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 345 - Senate Amendments** - Representative Gallik moved Senate amendments to **HB 345** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Balyeat, D. Brown, R. Brown, Everett, Glaser, Heinert, Hendrick, Himmelberger, L. Jones, Maedje, Malcolm, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Wagman, Ward.

Total 20

Excused: None.

Total 0

Absent or not voting: Bixby, Branae.

Total 2

**HB 349 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 349** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 502 - Senate Amendments** - Representative Wiseman moved Senate amendments to **HB 502** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 90

Noes: Balyeat, Everett, Jayne, Koopman, Maedje, McGillvray, Ripley, Sinrud, Windham, Witt.

Total 10

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: D. Brown, Hendrick, Koopman, Mendenhall, Ripley, Sales, Sinrud, Wells.  
Total 8

Excused: None.  
Total 0

Absent or not voting: MacLaren.  
Total 1

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 146**. Motion carried.

The Speaker appointed the following members:

Representative Everett  
Representative Koopman  
Representative Harris  
Representative Gallik

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 107**. Motion carried.

The Speaker appointed the following members:

Representative Peterson  
Representative Waitschies  
Representative Jopek  
Representative Gutsche

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 175**. Motion carried.

The Speaker appointed the following members:

Representative Noennig  
Representative Maedje  
Representative Jopek  
Representative McAlpin

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Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 40**. Motion carried.

The Speaker appointed the following members:

Representative Barrett  
Representative Stahl  
Representative Eaton  
Representative Henry

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 461**. Motion carried.

The Speaker appointed the following members:

Representative Rice  
Representative Malcolm  
Representative Clark  
Representative Golie

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 217**. Motion carried.

The Speaker appointed the following members:

Representative Mendenhall  
Representative L. Jones  
Representative Keane  
Representative Bergren

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 139**. Motion carried.

The Speaker appointed the following members:

Representative Stoker  
Representative Morgan  
Representative Facey  
Representative Caferro

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 146**. Motion carried.

The Speaker appointed the following members:

Representative Rice  
Representative Lange  
Representative Parker  
Representative Gutsche

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 154**. Motion carried.

The Speaker appointed the following members:

Representative Roberts  
Representative Milburn  
Representative Caferro  
Representative Kaufmann

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Rep. McGillvray moved that the House reconsider its action on April 9, 2005, on **SB 407** for the purpose of placing on 2nd Reading. This requires a majority vote. Motion carried as follows:

Ayes: Arntzen, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Driscoll, Everett, Facey, Franklin, Glaser, Grinde, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Koopman, Lake, Lange, MacLaren, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Mr. Speaker.  
Total 63

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, D. Brown, Campbell, Dowell, Eaton, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hiner, Jayne, L. Jones, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McKenney, Musgrove, B. Olson, Peterson, Rice, Ripley, Ross, Sesso, Villa, Windy Boy, Wiseman, Witt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

Rep. Sales moved that the House reconsider its action on **SB 301** on 2nd Reading on April 11, 2005, for the purpose of placing it back on 2nd Reading. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative MacLaren in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 159 - Senate Amendments** - Representative McKenney moved Senate amendments to **HB 159** be concurred in.



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Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 179 - Senate Amendments** - Representative Lake moved Senate amendments to **HB 179** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 182 - Senate Amendments** - Representative Roberts moved Senate amendments to **HB 182** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Sales, Wells.  
Total 2

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 188 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 188** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hawk, Rice, Sales, Wells.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 197 - Senate Amendments** - Representative Jayne moved Senate amendments to **HB 197** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Mendenhall, Sales, Sinrud.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Butcher.  
Total 1

**HB 208 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 208** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Sinrud,

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Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: R. Brown, Hawk, Lake, Lambert, Maedje, A. Olson, B. Olson, Rice, Ross, Waitschies, Witt.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 216 - Senate Amendments** - Representative Caferro moved Senate amendments to **HB 216** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Hawk, Himmelberger, Jayne, Lake, Maedje, Rice, Sales, Wells.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**HB 218 - Senate Amendments** - Representative B. Olson moved Senate amendments to **HB 218** be concurred in. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Buzzas, Everett, Gallik, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Malcolm, McGillvray, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Windy Boy, Witt.  
Total 46

Noes: Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Harris, Heinert, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Koopman, Lindeen, Maedje, McAlpin, McKenney, Mendenhall, Musgrove, Noonan, Parker, Peterson, Raser, Sales, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 53

Excused: None.  
Total 0

Absent or not voting: Butcher.  
Total 1

**HB 220 - Senate Amendments** - Representative Lake moved Senate amendments to **HB 220** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 227 - Senate Amendments** - Representative Galvin-Halcro moved Senate amendments to **HB 227** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 236 - Senate Amendments** - Representative Jackson moved Senate amendments to **HB 236** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 250 - Senate Amendments** - Representative Becker moved Senate amendments to **HB 250** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 254 - Senate Amendments** - Representative Roberts moved Senate amendments to **HB 254** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: D. Brown, R. Brown, Hawk, Jayne, Lake, McGillvray, Rice, Sales.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 295 - Senate Amendments** - Representative Galvin-Halcro moved Senate amendments to **HB 295** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

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Noes: Balyeat, R. Brown, Hawk, Hendrick, Lake, McGillvray, Ripley, Sales, Wells.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Dickenson.  
Total 1

**HB 301 - Senate Amendments** - Representative Galvin-Halcro moved Senate amendments to **HB 301** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 331 - Senate Amendments** - Representative Wanzenried moved Senate amendments to **HB 331** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 85

Noes: Andersen, Balyeat, Hawk, Heinert, Koopman, Mendenhall, A. Olson, B. Olson, Ripley, Sales, Sinrud, Wagman, Waitschies, Wells, Witt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 332 - Senate Amendments** - Representative Buzzas moved Senate amendments to **HB 332** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 351 - Senate Amendments** - Representative Butcher moved Senate amendments to **HB 351** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Bixby, Callahan, Dowell, Galvin-Halcro, Golie, Groesbeck, Henry, Jacobson, Jayne, Jopek, Juneau.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 363 - Senate Amendments** - Representative Eaton moved Senate amendments to **HB 363** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jent, W. Jones, Jopek, Kaufmann, Klock, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, A. Olson, B. Olson, Parker, Raser, Roberts, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Arntzen, Balyeat, Bixby, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Glaser, Gutsche, Heinert, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, Juneau, Keane, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, Peterson, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Ward, Warden, Wells, Windham, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Dowell, Hawk, Hendrick, Koopman, Mendenhall, B. Olson, Sales, Wagman.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Everett, MacLaren, Sinrud.  
Total 3

**MOTIONS**

Rep. Buzzas moved to have her vote on **HB 302** recorded as an aye. She pushed her vote button and it didn't record her vote. Without objection, so ordered.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Rice, Chairman):  
**SJR 6**, be amended as follows:

4/11/2005

1. Page 3, line 2.

**Strike:** "AND"

**Insert:** "(10) a review of courts' involvement in assisting low-income Montanans who appear before the courts to receive needed legal or other services;

(11) a review of how the youth courts may be used to reduce recidivism in the youth court system by providing referrals to services for at-risk families; and"

Renumber: subsequent subsection.

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Leader Wanzenried moved that the House adjourn until 12:30 p.m., Tuesday, April 12, 2005. Motion carried.

House adjourned at 3:49 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 12, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Furey and Windy Boy, excused. Quorum present.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:00 p.m.

The House reconvened at 1:05 p.m.

Rep. Campbell introduced Scott McGowan and read the following proclamation:

**A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA AND  
GOVERNOR BRIAN SCHWEITZER**

**RECOGNIZING THE RUNNING ACCOMPLISHMENTS OF SCOTT MCGOWAN**

WHEREAS, Scott McGowan, a native of Poplar, Montana, has been a high school running champion, a top NCAA runner at the University of Montana, and a USA Track and Field Champion; and

WHEREAS, Scott McGowan has been named a Four-Time All-American track and field athlete; and

WHEREAS, a 4-minute mile has long been regarded as the Gold Standard of middle distance running; and

WHEREAS, on January 29, 2005, Scott McGowan ran the Reebok Boston Indoor Games Mile in Boston, Massachusetts, in 3 minutes, 58.91 seconds, becoming the first Montana native to break the 4-minute mile.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR OF THE STATE OF MONTANA:

That Scott McGowan of Poplar, Montana, is hereby officially recognized by the Montana Legislature and the Governor for his outstanding athletic achievement in becoming Montana's first "Sub-4 Minute Miler."

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/12/2005

Correctly enrolled: **HB 6, HB 22, HB 30, HB 40, HB 49, HB 53, HB 55, HB 68, HB 70, HB 71, HB 73, HB 85, HB 89, HB 105, HB 119, HB 142, HB 150, HB 156, HB 167, HB 211, HB 244, HB 297, HB 301, HB 698, HB 728.**

Examined by the sponsor and found to be correct: **HB 30, HB 40, HB 49, HB 53, HB 55, HB 68, HB 70, HB 71, HB 73, HB 105, HB 119, HB 142, HB 150, HB 156, HB 297, HB 301.**

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Signed by the Chief Clerk of the House at 3:00 p.m., April 12, 2005: **HB 301**.

Signed by the Speaker at 3:10 p.m., April 12, 2005: **HB 301**.

Signed by the President at 3:30 p.m., April 12, 2005: **HB 301**.

Delivered to the Governor for approval at 3:40 p.m., April 12, 2005: **HB 301**.

**BUSINESS AND LABOR** (Keane, Chairman):  
**SB 133**, be concurred in. Report adopted.

4/12/2005

**MESSAGES FROM THE SENATE**

**Senate joint resolutions** passed and transmitted to the House for concurrence:

4/12/2005

**SJR 14**, introduced by Tropila

**SJR 34**, introduced by Schmidt

**SJR 35**, introduced by Cocchiarella

**House amendments to Senate bills** concurred in:

4/12/2005

**SB 302**, introduced by Ellingson

**SB 324**, introduced by Tester

**House bills** concurred in and returned to the House:

4/12/2005

**HB 6**, introduced by Witt

**HB 22**, introduced by McNutt

**HB 85**, introduced by Kaufmann

**HB 89**, introduced by Witt

**HB 167**, introduced by MacLaren

**HB 211**, introduced by Parker

**HB 244**, introduced by Lambert

**HB 698**, introduced by Lange

**HB 728**, introduced by Lange

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/12/2005

**HB 35**, introduced by Jent

**HB 102**, introduced by Lenhart

**HB 186**, introduced by Bergren

**HB 235**, introduced by Lange

**HB 704**, introduced by Windy Boy

**MESSAGES FROM THE GOVERNOR**

April 7, 2005

The Honorable Gary Matthews

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Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 17** sponsored by Representative Buzzas, **House Bill 100** sponsored by Representative Maedje, **House Bill 103** sponsored by Representative Driscoll, **House Bill 113** sponsored by Representative Jent, **House Bill 196** sponsored by Representative Jayne, **House Bill 206** sponsored by Representative Noonan, **House Bill 212** sponsored by Representative Sesso, **House Bill 223** sponsored by Representative Jent, **House Bill 234** sponsored by Representative Lange, **House Bill 262** sponsored by Representative Lange, **House Bill 269** sponsored by Representative Clark, **House Bill 275** sponsored by Representative Jacobson, **House Bill 283** sponsored by Representative Jopek, **House Bill 371** sponsored by Representative Lambert, **House Bill 409** sponsored by Representative Golie, **House Bill 427** sponsored by Representative Grinde, **House Bill 478** sponsored by Representative Warden, **House Bill 481** sponsored by Representative Lindeen, **House Bill 520** sponsored by Representative Furey, **House Bill 556** sponsored by Representative Noonan, **House Bill 567** sponsored by Representative Windham, **House Bill 581** sponsored by Representative Gutsche et al., **House Bill 638** sponsored by Representative Arntzen, and **House Bill 702** sponsored by Representative Malcolm on April 7, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 8, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 16** sponsored by Representative Ripley, **House Bill 32** sponsored by Representative Cohenour, **House Bill 34** sponsored by Representative McNutt, **House Bill 44** sponsored by Representative Dickenson, **House Bill 88** sponsored by Representative Caferro, **House Bill 162** sponsored by Representative Henry, **House Bill 174** sponsored by Representative Witt, **House Bill 191** sponsored by Representative Becker, **House Bill 201** sponsored by Representative Ripley, **House Bill 257** sponsored by Representative Branae, **House Bill 270** sponsored by Representative Lindeen et al., **House Bill 271** sponsored by Representative Lindeen, **House Bill 281** sponsored by Representative Wagman, **House Bill 306** sponsored by Representative Gallik, **House Bill 318** sponsored by Representative McKenney, **House Bill 321** sponsored by Representative Facey, **House Bill 420** sponsored by Representative Wagman, **House Bill 507** sponsored by Representative L. Jones, **House Bill 555** sponsored by Representative Caferro et al., **House Bill 559** sponsored by Representative Lake, **House Bill 607** sponsored by Representative A. Olson, **House Bill 624** sponsored by Representative Villa et al., **House Bill 631** sponsored by Representative Stahl, **House Bill 636** sponsored by Representative Stahl, **House Bill 653** sponsored by Representative Becker, **House Bill 660** sponsored by Representative A. Olson, **House Bill 709** sponsored by Representative Raser, and **House Bill 743** sponsored by Representative Harris on April 8, 2005.

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Sincerely,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 44**, introduced by A. Olson, referred to Federal Relations, Energy, and Telecommunications.

**HJR 45**, introduced by Himmelberger, A. Olson, referred to Federal Relations, Energy, and Telecommunications.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 14**, introduced by Tropila, Roush, referred to State Administration.

**SJR 34**, introduced by Schmidt, Campbell, Cobb, Cromley, Franklin, Henry, Hiner, Lambert, Moss, Roberts, Tash, Williams, referred to Human Services.

**SJR 35**, introduced by Cocchiarella, Joe Balyeat, Grimes, Lewis, Roush, Smith, Squires, Steinbeisser, Tash, Tropila, referred to Business and Labor.

**MOTIONS**

Dem. Floor Leader Parker moved **SB 407** be returned from the Senate and placed on 2nd Reading today. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 45** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Balyeat, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, W. Jones, Koopman, MacLaren, Malcolm, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells.

Total 23

Excused: Furey, Windy Boy.

Total 2

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Absent or not voting: Juneau, Morgan.  
Total 2

**SB 507** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: D. Brown, Sonju, Taylor.  
Total 3

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 140** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Everett, Hawk, Heinert, Koopman, Lake, Lambert, Mendenhall, Sales, Sinrud, Wells.  
Total 10

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 159** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Total 96

Noes: None.  
Total 0

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Campbell, Morgan.  
Total 2

**HB 179** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Koopman.  
Total 1

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 182** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 89

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Noes: Balyeat, R. Brown, Gallik, Koopman, Maedje, Sales, Stahl, Wells.  
Total 8

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 188** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: D. Brown, Everett, Hawk, Lake, Sales, Stoker, Wells.  
Total 7

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 192** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, Branae, Butcher, Caferro, Campbell, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.  
Total 70

Noes: Becker, Bergren, D. Brown, R. Brown, Buzzas, Callahan, Clark, Cohenour, Dickenson, Franklin, Galvin-Halcro, Golie, Groesbeck, Hiner, Jayne, Jopek, Kaufmann, Keane, Lindeen, Maedje, Malcolm, Musgrove, Rice, Sesso, Villa, Wagman, Wilson.  
Total 27

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.

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Total 1

**HB 197** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.

Total 88

Noes: Hawk, Jackson, Jent, Koopman, Lake, Mendenhall, Rice, Sales, Witt.

Total 9

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 208** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.

Total 73

Noes: Andersen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jackson, L. Jones, Klock, Lake, Lambert, Maedje, A. Olson, B. Olson, Rice, Ross, Sonju, Stahl, Stoker, Taylor, Waitschies, Witt.

Total 24

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 216** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry,



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Total 87

Noes: Everett, Hawk, Jayne, Klock, Koopman, Lake, Maedje, Rice, Sales, Wells.  
Total 10

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 220** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 230** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: D. Brown, Caferro, Clark, Everett, Hawk, Heinert, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake,

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Lambert, Maedje, Malcolm, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Ward.  
Total 24

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 236** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 250** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Balyeat, Lake, MacLaren.  
Total 3

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.

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Total 1

**HB 254** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wells, Wilson, Windham, Wiseman.

Total 56

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Milburn, A. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Witt, Mr. Speaker.

Total 41

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 266** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Gutsche, Wilson.

Total 2

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 295** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Malcolm,

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McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, McGillvray, McNutt, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wells, Witt.

Total 34

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 301** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Jackson, Koopman, Lake, MacLaren, Maedje, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Ward.

Total 17

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 302** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 72

Noes: Andersen, Balyeat, D. Brown, R. Brown, Everett, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McKenney, Rice, Sales, Sonju, Stoker, Wagman, Ward, Wells, Witt.

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Total 24

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Glaser, Morgan.

Total 2

**HB 307** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 64

Noes: Balyeat, Barrett, D. Brown, R. Brown, Clark, Glaser, Gutsche, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Juneau, Koopman, Lake, Lambert, Lange, McGillvray, McKenney, Mendenhall, Milburn, A. Olson, B. Olson, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Waitschies, Wells, Witt.

Total 33

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 317** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Balyeat, Everett, Hawk, Lake, Lange, MacLaren, Maedje, Mendenhall, Ripley, Wagman, Waitschies.

Total 11

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

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**HB 331** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 83

Noes: Balyeat, Barrett, Everett, Hawk, Koopman, Mendenhall, A. Olson, B. Olson, Rice, Ripley, Wagman, Waitschies, Wells, Witt.  
Total 14

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 332** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: D. Brown, Everett, Hawk, Koopman, Lake, MacLaren, Mendenhall, Ross, Sales, Sinrud.  
Total 10

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 345** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

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Total 68

Noes: Andersen, Balyeat, Barrett, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Stoker, Wagman, Ward, Warden.

Total 29

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 349** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Gutsche.

Total 1

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**HB 351** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Becker, Bergren, Bixby, Callahan, Cohenour, Galvin-Halcro, Golie, Henry, Hiner, Jayne, Juneau, Lindeen, Musgrove, Raser, Small-Eastman, Wilson.

Total 16

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Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 363** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Wells, Wilson, Wiseman, Mr. Speaker.  
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Juneau, Koopman, Lake, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Ward, Warden, Windham, Witt.  
Total 38

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**HB 502** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wiseman, Mr. Speaker.  
Total 86

Noes: Balyeat, Everett, Hawk, MacLaren, McGillvray, Ripley, Roberts, Sinrud, Wilson, Windham, Witt.  
Total 11

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**SB 82** concurred in as follows:



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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, Milburn, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 42

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: W. Jones, Morgan.  
Total 2

**SB 245** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 84

Noes: Andersen, Balyeat, Barrett, D. Brown, Everett, Jackson, W. Jones, Klock, Lake, MacLaren, Sonju, Witt.  
Total 12

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Maedje, Morgan.  
Total 2

**SB 255** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

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Total 92

Noes: Bixby, D. Brown, Hawk, Jayne, Sales.

Total 5

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**SB 275** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 40

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**SB 301 failed** to concur as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Noennig, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Excused: Furey, Windy Boy.

Total 2

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Absent or not voting: Morgan.  
Total 1

**SB 308** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**SB 433** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 81

Noes: D. Brown, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Maedje, Malcolm, Mendenhall, Ross, Sales, Sinrud, Wagman, Wells, Witt.  
Total 16

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Morgan.  
Total 1

**SJR 30** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry,

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Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 45

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Morgan.

Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Dowell in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 625- Senate Amendments** - Representative Rice moved Senate amendments to **HB 625** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 85

Noes: Buzzas, Caferro, Cohenour, Dickenson, Gallik, Gutsche, Hamilton, Hiner, Jopek, Juneau, Kaufmann, Wanzenried, Wiseman.

Total 13

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Clark, Jackson.

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Total 2

**SB 318** - Representative Cohenour moved **SB 318** be concurred in.

**SB 318** - Representative Cohenour moved **SB 318**, second reading copy, be amended as follows:

1. Page 12, line 3.

**Following:** "quadricycles"

**Insert:** "-- exception"

**Strike:** "A"

**Insert:** "(1) Except as provided in subsection (2), a"

2. Page 12, line 5.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

3. Page 12.

**Following:** line 9

**Insert:** "(2) A person who operates a quadricycle while engaged in the business of farming or ranching is exempt from the requirements of this section."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Butcher, Everett, Hendrick, Koopman, Lake, Lange, Morgan, Roberts, Ross, Sales, Warden, Wells.  
Total 12

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

**SB 318** - Representative Cohenour moved **SB 318**, as amended, be concurred in. Motion **failed** as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser,

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Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 45

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.  
Total 55

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 428** - Representative Jacobson moved **SB 428** be concurred in. Motion carried as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.  
Total 48

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the following bills be moved up on the second reading board: **HB 377, HB 406, HB 418, HB 574**. Without objection, so ordered.

**HB 377 - Senate Amendments** - Representative Keane moved Senate amendments to **HB 377** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro,

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Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 78

Noes: Balyeat, D. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, Koopman, Lake, Lambert, Maedje, McGillvray, Mendenhall, B. Olson, Rice, Ross, Sales, Sonju, Waitschies, Wells.  
Total 21

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Wagman.  
Total 1

**HB 406 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 406** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 418 - Senate Amendments** - Representative Keane moved Senate amendments to **HB 418** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry,

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: MacLaren, Sales.  
Total 2

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

**HB 574 - Senate Amendments** - Representative Branae moved Senate amendments to **HB 574** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Andersen, Balyeat, Everett, Hawk, Klock, Koopman, Lambert, Lange, Maedje, McNutt, Mendenhall, Morgan, Ripley.  
Total 13

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**SB 407** - Representative McGillvray moved **SB 407** be concurred in.

**SB 407** - Representative McGillvray moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 5.  
**Strike:** "SECTIONS"  
**Insert:** "SECTION"



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**Strike:** "AND 61-5-205"

2. Page 2, line 20.

**Following:** "service;"

**Insert:** "and"

3. Page 2, line 22 through line 23.

**Strike:** "and" on line 22 through the end of line 23

4. Page 2, line 26.

**Following:** "service;"

**Insert:** "and"

5. Page 2, line 29 through page 3, line 1.

**Strike:** "and" on page 2, line 29 through the end of line 1 on page 3

6. Page 3, line 7.

**Following:** "and"

**Insert:** "and"

7. Page 3, line 8 through line 9.

**Strike:** subsection (D) in its entirety

**Renumber:** subsequent subsection

8. Page 5, line 13 through page 6, line 13.

**Strike:** section 2 in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Campbell, Cohenour, Eaton, Golie, Gutsche, Jopek, B. Olson, Villa, Wanzenried, Wilson.

Total 10

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Bergren, McAlpin.

Total 2

**SB 407** - Representative Villa moved **SB 407**, second reading copy, be further amended as follows:

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1. Page 2, line 16.

**Strike:** "(a)"

2. Page 2, line 18.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

3. Page 2, line 19.

**Strike:** "(A)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

4. Page 2, line 25.

**Strike:** "(A)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

5. Page 3, line 3.

**Strike:** "(A)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

6. Page 3, line 12 through line 14.

**Strike:** subsection (b) in its entirety

7. Page 4, line 22.

**Strike:** "(3)(a)(i)(C)"

**Insert:** "(3)(a)(iii)"

8. Page 4, line 28.

**Strike:** "(3)(a)(ii)(C) or (3)(a)(iii)(C)"

**Insert:** "(3)(b)(iii) or (3)(c)(iii)"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bixby, Dowell, Driscoll, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Taylor, Villa, Wanzenried, Wilson, Wiseman, Witt, Mr. Speaker.

Total 50

Noes: Balyeat, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Eaton, Everett, Facey, Golie, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Juneau, Lake, Lange, MacLaren, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Roberts, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Warden, Wells, Windham.

Total 48

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Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: None.  
Total 0

**SB 407** - Representative McGillvray moved **SB 407**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, Jopek, Juneau, Kaufmann, Lake, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham.  
Total 69

Noes: Balyeat, Barrett, Becker, Bergren, D. Brown, Campbell, Eaton, Furey, Galvin-Halcro, Golie, Jayne, W. Jones, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, McKenney, Musgrove, A. Olson, B. Olson, Rice, Ripley, Villa, Ward, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 30

Voted Absentee: Furey, Windy Boy, Noes.

Excused: None.  
Total 0

Absent or not voting: L. Jones.  
Total 1

**SB 41** - Representative Warden moved **SB 41** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: W. Jones, Sales, Sinrud.  
Total 3

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

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Absent or not voting: Glaser, Jent, Keane, Maedje.  
Total 4

**SB 58** - Representative Musgrove moved **SB 58** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 93** - Representative Buzzas moved **SB 93** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: W. Jones.  
Total 1

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Branae, Small-Eastman.  
Total 2

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**SB 108** - Representative McKenney moved **SB 108** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

**SB 120** - Representative McNutt moved **SB 120** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Koopman, Lake, Mendenhall, Sales, Sinrud, Wells.

Total 8

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Dowell moved the Committee of the Whole report be adopted. Report adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Becker, Everett, Groesbeck, Hawk, Hendrick, Jayne, Koopman, Mendenhall, Peterson, Sales, Wells.

Total 11

Excused: Furey, Windy Boy.

Total 2

Absent or not voting: Dowell, Lambert, Raser.

Total 3

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 625**. Motion carried.

The Speaker appointed the following members:

Representative Rice  
Representative John Balyeat  
Representative McAlpin  
Representative Grinde

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 227**. Motion carried.

The Speaker appointed the following members:

Representative Lake  
Representative Sales  
Representative Galvin-Halcro  
Representative Branae

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 218**. Motion carried.

The Speaker appointed the following members:

Representative Olson  
Representative Arntzen

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Representative Harris  
Representative McAlpin

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 115**. Motion carried.

The Speaker appointed the following members:

Representative McNutt  
Representative Warden  
Representative Groesbeck  
Representative Branae

Rep. Leader Brown rose to a point of information stating if these are motions the body should be allowed to vote on them.

Speaker Matthews stated that he will check with the Code Commissioner on this question.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

**REPORTS OF STANDING COMMITTEES**

**HUMAN SERVICES** (Becker, Chairman):  
**SB 499**, be amended as follows:

4/12/2005

1. Title, line 7.

**Following:** "~~DUTIES~~;"

**Insert:** "AMENDING SERVICE AREA AUTHORITY DEFINITIONS AND DUTIES;"

**Strike:** "53-21-102" through "53-21-138"

**Insert:** "53-21-1001, 53-21-1002, 53-21-1006, AND 53-21-1007"

2. Page 1, line 11.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Purpose. The purpose of this part is to:

(1) create service area authorities that collaborate with the department and local advisory councils to plan, implement, and evaluate regional public mental health care within the budget constraints for each service region;

(2) promote consumer and family leadership within the public mental health system through service area authorities; and

(3) foster a consumer-driven and family-driven system of public mental health care that advances:

(a) access to a continuum of mental health services; and

(b) individual choice of services and providers."

**Insert:** "**Section 2.** Section 53-21-1001, MCA, is amended to read:

**"53-21-1001. (Temporary) Definitions.** As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services as provided for in 2-15-2201.

(2) "Service area authority" means an entity, as provided for in 53-21-1006, that has incorporated to contract with the department for the planning, oversight, and administration of mental health services within a service area as

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defined by the department by rule. (Terminates June 30, 2005--sec. 20, Ch. 602, L. 2003.)

**53-21-1001. (Effective July 1, 2005) Definitions.** As used in this part, the following definitions apply:

(1) "Community mental health center" means a licensed mental health center that provides comprehensive public mental health services in a multicounty region under contract with the department, counties, or one or more service area authorities.

(2) "Department" means the department of public health and human services as provided for in 2-15-2201.

(3) "Licensed mental health center" means an entity licensed by the department of public health and human services to provide mental health services and has the same meaning as mental health center as defined in 50-5-101.

(4) "Service area" means a region of the state as defined by the department by rule within which mental health services are administered.

(5) "Service area authority" means an entity, as provided for in 53-21-1006, that has incorporated to ~~contract~~ collaborate with the department for the planning; and oversight; ~~and administration~~ of mental health services within a service area.""

**Insert: "Section 3.** Section 53-21-1002, MCA, is amended to read:

**"53-21-1002. Duties of department.** The department:

(1) shall take cognizance of matters affecting the mental health of the citizens of the state;

(2) shall initiate mental health care and treatment, prevention, and research as can best be accomplished by community-centered services. The department shall initiate and operate services in cooperation with local agencies, service area authorities, mental health professionals, and other entities providing services to persons with mental illness.

(3) shall specifically address:

(a) provider contracting;

(b) service planning;

(c) preadmission screening and discharge planning;

(d) quality management;

(e) utilization management and review;

(f) consumer and family education; and

(g) rights protection;

(4) shall collect and disseminate information relating to mental health;

(5) shall prepare and maintain a comprehensive plan to develop public mental health services in the state and to establish service areas;

(6) must receive from agencies of the United States and other state agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services within the state;

(7) shall establish qualified provider certification standards by rule, which may include requirements for national accreditation for mental health programs that receive funds from the department;

(8) shall perform an annual review and evaluation of mental health needs and services within the state by region and evaluate the performance of programs that receive funds from the department for compliance with federal and state standards;

(9) shall coordinate state and community resources to ensure comprehensive delivery of services to children with emotional disturbances, as provided in Title 52, chapter 2, part 3, and submit at least a biennial report to the governor and the legislature concerning the activities and recommendations of the department and service providers; and

(10) shall coordinate the establishment of service area authorities, as provided in 53-21-1006, to ~~assist~~ collaborate with the department in the ~~coordination and delivery~~ planning and oversight of mental health services in a service area.""

**Insert: "Section 4.** Section 53-21-1006, MCA, is amended to read:

**"53-21-1006. Service area authorities -- leadership committees -- boards -- plans.** (1) In the development of a service area authority, public meetings must be held in communities throughout a service area as defined by the department by rule. The purpose of the meetings is to assist the department to establish a stakeholder leadership committee. The meetings must be designed to solicit input from consumers of services for persons with mental



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illness, advocates, family members of persons with mental illness, mental health professionals, county commissioners, and other interested community members.

(2) The leadership committee within each service area must include but is not limited to a significant portion of consumers of services for persons with mental illness, family members of persons with mental illness, and a mental health services provider. The department shall provide assistance for the development of a leadership committee. The department shall approve a leadership committee within each service area.

(3) The leadership committee within each service area shall establish a service area authority board and create bylaws that describe the board's functions and method of appointment. The bylaws must be submitted to the department for review. The majority of the members of the board must be consumers of mental health services and family members of consumers.

(4) The service area authority board must be established under Title 35, chapter 2. ~~Upon incorporation, the board may enter into contracts with the department to carry out the comprehensive plan for mental health for that service area.~~ Nonprofit corporations incorporated for the purposes of this part may not be considered agencies of the department or the state of Montana.

(5) A service area authority board:

(a) ~~shall define the operation and management~~ collaborate with the department for purposes of planning and oversight of mental health services of the service area ~~mental health system~~, including:

- (i) provider contracting;
- (ii) quality and outcome management;
- (iii) service planning;
- (iv) utilization management and review;
- (v) preadmission screening and discharge planning;
- (vi) consumer advocacy and family education and rights protection;
- (vii) infrastructure;
- (viii) information ~~system~~ requirements; and
- (ix) procurement processes;

(b) shall review and monitor crisis intervention programs established pursuant to 53-21-139;

~~(b)(c)~~ (c) shall submit a biennial review and evaluation of mental health service needs and services within the service area;

~~(c)(d)~~ (d) shall keep all records of the board and make reports required by the department;

~~(d)~~ (d) shall prepare and submit a plan and budget proposal to support mental health services for children and adults within the service area, including proposals within existing allocations and specifically outlining any new funding proposals, to the department and to each county in the service area;

(e) may enter into contracts with the department for purposes of planning and oversight of the service area if the department certifies that the services area authority is capable of assuming the duty;

~~(e)(f)~~ (f) may receive and shall administer funding available for the provision of mental health services, including grants from the United States government and other agencies, receipts for established fees rendered, taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to carry out the purposes of this part.

~~(f)(g)~~ (g) shall ~~may~~ reimburse board members for actual and necessary expenses incurred in attending meetings and in the discharge of board duties as assigned by the board; and

~~(g)(h)~~ (h) shall either include a county commissioner or work closely with county commissioners in the service area.

~~(6) The department shall review the plan and budget proposal provided for in subsection (5)(d) and assess the readiness of the service area authority to assume each duty provided in subsection (5)(a). The department shall certify that the service area authority is capable of assuming the duty before contracting with the service area authority for that duty and may provide for a gradual assumption of the duties by a service area authority within the department's 4-year transition plan, subject to approval of the federal waivers as provided for in section 15, Chapter 602, Laws of 2003.~~

~~(7)(6)~~ (6) A service area authority may not directly provide mental health services.""

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**Insert: "Section 5.** Section 53-21-1007, MCA, is amended to read:

**"53-21-1007. Mental health services contracts.** (1) The department shall provide for public mental health services for the purposes of the prevention, diagnosis, and treatment of mental illness to the extent funded by the legislature.

(2) The department may administer the provision of services for prevention, diagnosis, and treatment of mental illness directly or indirectly:

—(a) through contract with other agencies of government, private or public agencies, private professional persons, hospitals, or licensed mental health centers; ~~or~~

—(b) ~~through contract with service area authorities who may contract with or develop cooperative arrangements with other agencies of government, private or public agencies, private professional persons, hospitals, or licensed mental health centers for the provision of services.~~

(3) The department is directed to encourage and create incentives for the use of funding generated by local governments to provide mental health services to participate in federal cost-sharing programs.

(4) The department shall ~~make efforts to~~ promote the rights of persons with mental illness who are eligible for services to have a choice among qualified providers of mental health services or support services that are administered or funded by the department ~~or contracted with a service area authority by the department.~~

(5) The department ~~or a service area authority~~ shall develop contracts to be bid competitively under the Montana Procurement Act for any service administered or funded by the department that will limit a client's choice of a provider of that service in order to ensure accountability and that necessary services are delivered in all areas of the state. ~~Except for the department's ability to contract solely with service area authorities, the~~ The exception for human services as provided in 18-4-123(18) does not apply.""

**Insert: "NEW SECTION. Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 21, part 10, and the provisions of Title 53, chapter 21, part 10, apply to [section 1]."

And, as amended, be concurred in. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Dowell in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 197** - Representative Glaser moved **SB 197** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: W. Jones, Juneau, Koopman, Musgrove.

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Total 4

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 474** - Representative Lange moved consideration of **HB 474** be placed at the top of the second reading board.  
Motion carried.

**HB 474 - Senate Amendments** - Representative Buzzas moved Senate amendments to **HB 474** be concurred in.  
Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 56

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 489** - Representative Maedje moved **SB 489** be concurred in.

**SB 489** - Representative Ripley moved **SB 489**, second reading copy, be amended as follows:

1. Page 7, line 18.

**Strike:** "\$1.5"

**Insert:** "\$1"

2. Page 7, line 23.

**Strike:** "\$1.5"

**Insert:** "\$1"

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3. Page 7, line 25.

**Strike:** "\$1.5"

**Insert:** "\$1"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Groesbeck, Hawk, Hendrick, Himmelberger, Jayne, Jent, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 57

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Windham.  
Total 39

Excused: Furey, Windy Boy.  
Total 2

Absent or not voting: Becker, Wiseman.  
Total 2

**SB 489** - Representative Maedje moved **SB 489**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Klock, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Buzzas, Caferro, Himmelberger, Jayne, Juneau, Kaufmann, Keane, Koopman, Lambert, MacLaren, Malcolm, Mendenhall, Rice, Sales, Sinrud, Ward.  
Total 16

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 498** - Representative Glaser moved **SB 498** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Becker, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Hawk, Heinert, Hendrick, Henry, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Barrett, Bixby, Branae, Gallik, Groesbeck, Gutsche, Hamilton, Himmelberger, Hiner, Jopek, Juneau, Koopman, Raser, Sales, Sinrud, Small-Eastman, Wagman, Wanzenried.

Total 18

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergren, Harris, Klock.

Total 3

**HB 2 - Senate Amendments** - Representative Witt moved Senate amendments to **HB 2** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Bixby, Buzzas, Callahan, Gallik, Juneau, Kaufmann.

Total 6

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 99 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 99** be **not** concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Bixby, Buzzas, Driscoll, Gallik, Galvin-Halcro, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Koopman, Maedje.

Total 12

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 177 - Senate Amendments** - Representative A. Olson moved Senate amendments to **HB 177** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Buzzas, Jopek, Kaufmann, McAlpin.

Total 4

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 385 - Senate Amendments** - Representative Wells moved Senate amendments to **HB 385** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 92

Noes: Caferro, Campbell, Henry, Jacobson, Jayne, Juneau, Kaufmann.  
Total 7

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 395 - Senate Amendments** - Representative Becker moved Senate amendments to **HB 395** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 91

Noes: Dickenson, Everett, Hawk, Hiner, Jayne, Koopman, Sales, Wagman.  
Total 8

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 396 - Senate Amendments** - Representative Becker moved Senate amendments to **HB 396** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey,

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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Jayne.

Total 1

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Ross.

Total 1

**HB 425 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 425** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, Everett, Hawk, Malcolm, Mendenhall, Rice, Sales, Sonju, Stahl, Wagman, Ward.

Total 11

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 428 - Senate Amendments** - Representative Gutsche moved Senate amendments to **HB 428** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L.



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Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Andersen, R. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Lambert, Lange, Taylor, Waitschies.  
Total 13

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 429 - Senate Amendments** - Representative Gutsche moved Senate amendments to **HB 429** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Andersen, Balyeat, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Milburn, Morgan, Peterson, Ripley, Sinrud, Taylor, Wagman, Waitschies.  
Total 23

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 431 - Senate Amendments** - Representative Raser moved Senate amendments to **HB 431** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker,

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Raser, Rice, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Gallik, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Wells.

Total 34

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 453** - Representative Parker moved consideration of **HB 453** be passed for the day. Motion carried.

**HB 457 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 457** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Barrett, R. Brown, Everett, Franklin, Galvin-Halcro, Hawk, Henry, Himmelberger, Hiner, Kaufmann, Koopman, Lambert, Sales, Wagman.

Total 14

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 473 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 473** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones,

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Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Andersen, Barrett, D. Brown, R. Brown, Hawk, Hendrick, Himmelberger, Lake, Lambert, Maedje, McGillvray, McKenney, Mendenhall, B. Olson, Peterson, Ross, Sales, Wagman, Waitschies.

Total 19

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

**HB 536 - Senate Amendments** - Representative Callahan moved Senate amendments to **HB 536** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Rice, Ross, Sales, Sinrud, Wagman, Waitschies, Warden.

Total 22

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 537 - Senate Amendments** - Representative Wanzenried moved Senate amendments to **HB 537** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman,

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Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 90

Noes: Lake, MacLaren, Malcolm, Mendenhall, Sales, Stoker, Wagman, Waitschies, Witt.

Total 9

Voted Absentee: Furey, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**HB 540 - Senate Amendments** - Representative Dickenson moved Senate amendments to **HB 540** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 52

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 615 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 615** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso,

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Small-Eastman, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Andersen, Balyeat, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, Mendenhall, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden.  
Total 28

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 645 - Senate Amendments** - Representative Clark moved Senate amendments to **HB 645** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Galvin-Halcro, Wanzenried, Windham.  
Total 3

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Dowell moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser,

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Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Caferro, Dickenson, Gallik, Gutsche, Hamilton, Harris, Hawk, Hiner, Juneau, Koopman, Musgrove, Sales, Stahl, Villa, Wagman, Windy Boy.

Total 16

Excused: Furey.

Total 1

Absent or not voting: Dowell, Lambert.

Total 2

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee on **HB 177**. Motion carried.

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 177**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson  
Representative D. Brown  
Representative Dickenson  
Representative Hamilton

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee on **HB 99**. Motion carried.

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 99**. Motion carried.

The Speaker appointed the following members:

Representative Lange  
Representative Taylor  
Representative Parker  
Representative Driscoll

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, April 13, 2005. Motion carried.

House adjourned at 4:22 p.m.

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MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 13, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation was given by the Capitol Harmony Choir. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-fourth, sixty-fifth, sixty-sixth, and sixty-seventh legislative days, find the same to be correct.

Barrett, Chair

Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzenried to Speaker Matthews stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take **SB 319** from the State Administration Committee and place on 2nd Reading on April 14, 2005.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/13/2005

Correctly printed: **HJR 44, HJR 45.**

Examined by the sponsor and found to be correct: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Signed by the Chief Clerk of the House at 1:00 p.m., April 12, 2005: **HB 30, HB 40, HB 49, HB 53, HB 55, HB 68, HB 70, HB 71, HB 73, HB 105, HB 119, HB 142, HB 150, HB 156, HB 297.**

Signed by the Speaker at 7:45 a.m., April 13, 2005: **HB 30, HB 40, HB 49, HB 53, HB 55, HB 68, HB 70, HB 71, HB 73, HB 105, HB 119, HB 142, HB 150, HB 156, HB 297.**

Signed by the President at 10:15 a.m., April 13, 2005: **HB 30, HB 40, HB 49, HB 53, HB 55, HB 68, HB 70, HB 71, HB 73, HB 105, HB 119, HB 142, HB 150, HB 156, HB 297.**

Delivered to the Governor for approval at 10:40 a.m., April 13, 2005: **HB 30, HB 40, HB 49, HB 53, HB 55, HB 68, HB 70, HB 71, HB 73, HB 105, HB 119, HB 142, HB 150, HB 156, HB 297.**

**STATE ADMINISTRATION** (Jent, Chairman):

4/13/2005

**SB 319**, be amended as follows:

1. Page 21, line 23 through line 29.

**Strike:** section 27 in its entirety

**Insert:** "NEW SECTION. **Section 27. Contingent voidness.** If House Bill No. 2 is passed and approved and does not include an appropriation of at least \$300,000 to implement the provisions of [this act], then [this act] is void."

And, as amended, without recommendation. Report adopted.



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**REPORTS OF SELECT COMMITTEES**

Conference Committee on Senate Amendments to **House Bill 63**  
Report No. 1, April 12, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 63** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 63** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "EXTENDING" on line 9 through "MAXIMUM;" on line 10

2. Title, page 1, line 15 through line 18.

**Strike:** "REVISING" on line 15 through "GRANT;" on line 18

3. Title, page 1, line 20.

**Strike:** "UNIFIED AND JOINT BOARD"

**Following:** "AGREEMENTS"

**Insert:** "FOR FUND TRANSFERS BY FEBRUARY 1 OF THE CURRENT FISCAL YEAR"

4. Title, page 1, line 21 through line 24.

**Strike:** "AUTHORIZING" on line 21 through "2007;" on line 24

5. Title, page 1, line 24.

**Strike:** "2-9-212,"

6. Title, page 1, line 26.

**Following:** "AND"

**Insert:** "AND"

**Strike:** "20-9-501, AND 20-9-630,"

7. Page 2, line 2 through line 25.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

8. Page 11, line 11.

**Strike:** "6"

**Insert:** "5"

9. Page 11, line 12.

**Strike:** "6-year"

**Insert:** "5-year"

10. Page 14, line 29 through line 30.

**Strike:** subsection (c) in its entirety

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11. Page 23, line 9 through page 27, line 3.

**Strike:** sections 21 and 22 in their entirety

**Renumber:** subsequent sections

12. Page 27, line 13.

**Strike:** "UNIFIED AND JOINT BOARD INTERDISTRICT"

**Insert:** "Interdistrict"

**Following:** "AGREEMENTS"

**Insert:** "-- fund transfers"

13. Page 27, line 14.

**Following:** "20-6-312"

**Strike:** "OR"

**Insert:** ", any two school districts"

14. Page 27, line 15.

**Following:** "20-3-361"

**Insert:** ", or a high school district and any elementary school district associated with that high school district"

15. Page 27, line 18.

**Following:** "DISTRICTS"

**Insert:** "by February 1 of the current fiscal year"

16. Page 27, line 23.

**Following:** "FUND"

**Insert:** "and must be completed by February 1 of the current fiscal year"

17. Page 27, line 28 through line 30.

**Strike:** section 25 in its entirety

**Renumber:** subsequent sections

18. Page 28, line 7.

**Strike:** "(1)"

**Strike:** "24"

**Insert:** "21"

19. Page 28, line 9.

**Strike:** "24"

**Insert:** "21"

20. Page 28, line 10 through line 11.

**Strike:** subsection (2) in its entirety

21. Page 28, lines 13 and 14.

**Following:** "15" on line 13

**Strike:** "." through "2." on line 14

**Strike:** "13 THROUGH 16"

**Insert:** "12 through 15"

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22. Page 28, line 16.

**Following:** "[SECTIONS"

**Strike:** "3"

**Insert:** "2"

23. Page 28.

**Following:** line 16

**Strike:** "4" through "29"

**Insert:** "3, 5 through 9, and 17 through 25"

24. Page 28, line 18.

**Strike:** "5"

**Insert:** "4"

25. Page 28, line 19.

**Strike:** "[SECTIONS 11 AND 21] ARE"

**Insert:** "[Section 10] is"

26. Page 28, line 20.

**Strike:** "APPLY"

**Insert:** "applies"

27. Page 28, line 21.

**Strike:** "12"

**Insert:** "11"

28. Page 28, line 23.

**Strike:** "17"

**Insert:** "16"

29. Page 28, line 26.

**Strike:** "11"

**Insert:** "10"

30. Page 28, line 27.

**Strike:** "2" through "17"

**Insert:** "3 and 11 through 16"

For the House:

Glaser  
Raser  
Villa  
Wagman

For the Senate:

Tester, Chairman  
Story

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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 423**  
Report No. 1, April 11, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 423** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9.

**Strike:** "A CONDITION"

**Insert:** "CERTAIN CONDITIONS"

2. Page 4, line 3 through line 4.

**Strike:** "IF" on line 3 through "GREATER" on line 4

For the Senate:

Laslovich, Chairman  
Mangan  
Shockley

For the House:

Everett  
Harris  
Noonan  
Sonju

**MESSAGES FROM THE SENATE**

**Senate joint resolution** passed and transmitted to the House for concurrence: 4/13/2005

**SJR 37**, introduced by Williams

**House amendments to Senate bills not** concurred in: 4/13/2005

**SB 114**, introduced by Tester

**SB 287**, introduced by Schmidt

**SB 339**, introduced by Joe Balyeat

**SB 445**, introduced by McGee

**House bills** concurred in and returned to the House: 4/13/2005

**HB 18**, introduced by Juneau

**HB 379**, introduced by Windy Boy

**HB 411**, introduced by Wells

**HB 530**, introduced by Matthews

**HB 590**, introduced by Buzzas

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**HB 747**, introduced by Driscoll

**HB 749**, introduced by Ripley

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/13/2005

**HB 5**, introduced by Wells

**HB 83**, introduced by Campbell

**HB 541**, introduced by Glaser

**HB 707**, introduced by Groesbeck

**HB 782**, introduced by McNutt

**HB 606** - The Senate failed to concur in House amendments to **HB 606**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 606**:

4/13/2005

Senator Shockley

Senator Toole

Senator Wheat

**HB 115** - The Senate failed to concur in House amendments to **HB 115**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 115**:

4/13/2005

Senator Essmann

Senator Gillan

Senator Toole

**HB 146** - The Senate failed to concur in House amendments to **HB 146**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 146**:

4/13/2005

Senator Cromley

Senator Laslovich

Senator Shockley

**HB 361** - The Senate failed to concur in House amendments to **HB 361**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 361**:

4/13/2005

Senator Gebhardt

Senator Harrington

Senator Toole

**HB 493** - The Senate failed to concur in House amendments to **HB 493**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 493**:

4/13/2005

Senator Gallus

Senator Lewis

Senator Williams

Conference Committee Report No.1 adopted:

4/13/2005

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**SB 81**, introduced by Stapleton

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 37**, introduced by Williams, referred to Human Services.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 12:55 p.m.

The House reconvened at 1:04 p.m.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Butcher, Chairman):

4/13/2005

**SB 293**, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "ALL"

**Insert:** "CERTAIN TYPES OF"

2. Title, page 1, line 10.

**Strike:** "AMOUNTS"

**Insert:** "LEVELS"

**Strike:** "MTBE;"

**Insert:** "METHYL TERTIARY BUTYL ETHER; REDUCING THE TAX INCENTIVE FROM 30 CENTS TO 20 CENTS PER GALLON; REVISING THE TIME IN WHICH TAX CREDITS MAY BE PAID; REDUCING THE AMOUNT OF PAYMENTS THAT MAY BE MADE TO AN ALCOHOL DISTRIBUTOR IN A CALENDAR YEAR FROM \$3 MILLION TO \$2 MILLION; PROVIDING FOR CONTRACTS FOR ETHANOL PRODUCERS ELIGIBLE FOR TAX INCENTIVES; REQUIRING AN ETHANOL PRODUCER TO USE AT LEAST A CERTAIN PERCENTAGE OF MONTANA PRODUCT IN ITS TOTAL PRODUCTION TO QUALIFY FOR THE TAX INCENTIVE; PROVIDING THAT AN ETHANOL FACILITY IS NOT ELIGIBLE FOR THE TAX INCENTIVE UNLESS THE FACILITY PAID A PREVAILING RATE OF WAGES DURING CONSTRUCTION; REVISING REQUIREMENTS FOR BUSINESS PLANS; REMOVING THE REQUIREMENT FOR LOSS OF PRIORITY; REVISING THE CONDITIONS FOR AN IN-STATE INVESTMENT FOR ALCOHOL PRODUCTION TO BE USED FOR FUEL; ALLOWING THE PAYMENT OF DIVIDENDS AND BONUSES UNDER CERTAIN CONDITIONS;"

3. Title, line 12.

**Strike:** "AND BIODIESEL"

4. Title, line 17.

Following: "SECTIONS"

Insert: "15-70-201,"

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Following: "15-70-204,"

Insert: "15-70-503, 15-70-522, 17-6-317, 82-15-101,"

5. Title, line 18.

Following: "82-15-106,"

Strike: "AND"

Following: "82-15-110,"

Insert: "AND 82-15-111,"

Following: "MCA"

Insert: ", AND SECTIONS 12 AND 13, CHAPTER 568, LAWS OF 2001"

Following: "SECTION"

Strike: "13 through 2001"

Insert: "15-70-245, MCA"

6. Title, line 19.

**Following:** "DATE"

**Insert:** "AND TERMINATION DATES"

7. Page 1, line 23.

**Following:** "(1)"

**Strike:** "Within"

**Insert:** "Except as provided in [section 2] and subsection (5) of this section, within"

8. Page 1, line 24.

**Following:** "department"

**Insert:** "of transportation"

9. Page 1, line 25.

**Strike:** "A PRODUCTION CAPACITY OF"

**Insert:** "produced"

**Following:** "ETHANOL"

**Insert:** "and has maintained that level of production on an annualized basis for at least 3 months"

10. Page 1, line 29.

**Strike:** "commonly known as MTBE ("

**Following:** "ether"

**Strike:** ")"

11. Page 1, line 30.

**Following:** "2]"

**Insert:** "and subsection (5) of this section"

**Following:** "department"

**Insert:** "of transportation"

12. Page 2, line 1 through line 2.

**Strike:** "A PRODUCTION" on line 1 through "CAPACITY OF" on line 2

**Insert:** "produced"

13. Page 2, line 2.

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**Following:** "ETHANOL"

**Insert:** "and has maintained that level of production on an annualized basis for at least 3 months"

14. Page 2, line 5.

**Strike:** "MTBE"

**Insert:** "methyl tertiary butyl ether"

15. Page 2.

**Following:** line 7

**Insert:** "(4) The department of transportation shall compile a quarterly report certifying the amount of denatured ethanol that is produced in Montana.

(5) Once the production of 55 million gallons of denatured ethanol has been certified and the provisions of subsections (1) and (2) apply, if the production of denatured ethanol drops below 30 million gallons on an annualized basis, the provisions of this section do not apply."

16. Page 2, line 15.

**Strike:** "ARE ENCOURAGED TO"

**Insert:** "may"

17. Page 2

**Following:** line 17

**Insert:** "(3) Aviation fuel is not subject to an ethanol blending requirement."

**Insert:** "Section 3. Section 15-70-201, MCA, is amended to read:

~~"15-70-201. (Temporary) Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:~~

~~———— (1) "Agricultural use" means use of gasoline by a person who earns income while engaging in the business of farming or ranching and who files farm income reports for tax purposes as required by the United States internal revenue service.~~

~~———— (2) "Aviation dealer" means a person in this state engaged in the business of selling aviation fuel, either from a wholesale or retail outlet, on which the license tax has been paid to a licensed distributor as provided in this section.~~

~~———— (3) "Aviation fuel" means gasoline or any other liquid fuel by whatever name the liquid fuel may be known or sold, compounded for use in and sold for use in aircraft, including but not limited to any and all gasoline or liquid fuel meeting or exceeding the minimum specifications prescribed by the United States for use by its military forces in aircraft.~~

~~———— (4) "Bulk delivery" means placing gasoline in storage or containers. The term does not mean gasoline delivered into the supply tank of a motor vehicle.~~

~~———— (5) (a) "Distributed" means the time that gasoline is withdrawn from the tanks, refinery, or terminal storage for sale or use in this state or for the transportation to destinations in this state other than by pipeline to another refinery or pipeline terminal in this state for:~~

~~———— (i) gasoline that is refined, produced, manufactured, or compounded in this state and placed in tanks;~~

~~———— (ii) gasoline transferred from a refinery or pipeline terminal in this state and placed in tanks; or~~

~~———— (iii) gasoline imported into this state and placed in storage at refineries or pipeline terminals.~~

~~———— (b) When withdrawn from the tanks, refinery, or terminal, the gasoline may be distributed only by a person who is the holder of a valid distributor's license.~~

~~———— (c) For gasoline imported into this state, other than the gasoline placed in storage at refineries or pipeline terminals, the gasoline is considered to be distributed after it has arrived in and is brought to rest in this state.~~

~~———— (6) "Distributor" means:~~

~~———— (a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding gasoline for sale, use, or distribution;~~

~~———— (b) a person who imports gasoline for sale, use, or distribution;~~



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- \_\_\_\_\_ (c) a person who engages in the wholesale distribution of gasoline in this state and chooses to become licensed to assume the Montana state gasoline tax liability;
- \_\_\_\_\_ (d) an exporter as defined in subsection (8);
- \_\_\_\_\_ (e) a dealer licensed as of January 1, 1969, except a dealer at an established airport; or
- \_\_\_\_\_ (f) a person in Montana who blends alcohol with gasoline.
- \_\_\_\_\_ (7) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal within Montana.
- \_\_\_\_\_ (8) "Exporter" means any person who transports, other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption beyond the boundaries of this state.
- \_\_\_\_\_ (9) (a) "Gasoline" includes:
- \_\_\_\_\_ (i) all products commonly or commercially known or sold as gasolines, including casinghead gasoline, natural gasoline, aviation fuel, and all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines; and
- \_\_\_\_\_ (ii) any other type of additive when the additive is mixed or blended into gasoline, regardless of the additive's classifications or uses.
- \_\_\_\_\_ (b) Gasoline does not include special fuels as defined in 15-70-301.
- \_\_\_\_\_ (10) "Import" means to receive into a person's possession or custody first after its arrival and coming to rest at destination within the state of gasoline shipped or transported into this state from a point of origin outside of this state other than in the fuel supply tank of a motor vehicle.
- \_\_\_\_\_ (11) "Importer" means a person who transports or arranges for the transportation of gasoline into Montana for sale, use, or distribution in this state.
- \_\_\_\_\_ (12) "Improperly imported fuel" means aviation or gasoline fuel as defined in subsections (3) and (9) that:
- \_\_\_\_\_ (a) is consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana gasoline distributor license as required in 15-70-202; or
- \_\_\_\_\_ (b) is delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.
- \_\_\_\_\_ (13) "Motor vehicle" means all vehicles operated or propelled upon the public highways or streets of this state in whole or in part by the combustion of gasoline.
- \_\_\_\_\_ (14) "Person" means any person, firm, association, joint-stock company, syndicate, or corporation.
- \_\_\_\_\_ (15) "Use" means the operation of motor vehicles upon the public roads or highways of the state or of any political subdivision of the state.

**15-70-201. (~~Effective on occurrence of contingency~~) Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Agricultural use" means use of gasoline by a person who earns income while engaging in the business of farming or ranching and who files farm income reports for tax purposes as required by the United States internal revenue service.
- (2) "Aviation dealer" means a person in this state engaged in the business of selling aviation fuel, either from a wholesale or retail outlet, on which the license tax has been paid to a licensed distributor as provided in this section.
- (3) "Aviation fuel" means gasoline or any other liquid fuel by whatever name the liquid fuel may be known or sold, compounded for use in and sold for use in aircraft, including but not limited to any and all gasoline or liquid fuel meeting or exceeding the minimum specifications prescribed by the United States for use by its military forces in aircraft.
- (4) "Bulk delivery" means placing gasoline in storage or containers. The term does not mean gasoline delivered into the supply tank of a motor vehicle.
- (5) (a) "Distributed" means the time that gasoline is withdrawn from the tanks, refinery, or terminal storage for sale or use in this state or for the transportation to destinations in this state other than by pipeline to another refinery or pipeline terminal in this state for:
  - (i) gasoline that is refined, produced, manufactured, or compounded in this state and placed in tanks;
  - (ii) gasoline transferred from a refinery or pipeline terminal in this state and placed in tanks; or

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(iii) gasoline imported into this state and placed in storage at refineries or pipeline terminals.

(b) When withdrawn from the tanks, refinery, or terminal, the gasoline may be distributed only by a person who is the holder of a valid distributor's license.

(c) For gasoline imported into this state, other than the gasoline placed in storage at refineries or pipeline terminals, the gasoline is considered to be distributed after it has arrived in and is brought to rest in this state.

(6) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding gasoline for sale, use, or distribution;

(b) a person who imports gasoline for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of gasoline in this state and chooses to become licensed to assume the Montana state gasoline tax liability;

(d) an exporter as defined in subsection (8);

(e) a dealer licensed as of January 1, 1969, except a dealer at an established airport; or

(f) a person in Montana who blends alcohol with gasoline.

(7) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal within Montana.

(8) "Exporter" means any person who transports, other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption beyond the boundaries of this state.

(9) "Gasohol" means ~~a fuel blend containing at least 10% alcohol, with the balance being gasoline and other additives. Gasohol is also known as "E-10"~~ a gasoline fuel that is blended with denatured ethanol. Typically gasohol is a blend of 10% denatured ethanol and 90% gasoline, but the blended amounts may differ. The percentage of ethanol in the blend is identified by the letter "E" followed by the percentage number. A blend that is 10% denatured ethanol and 90% gasoline would be reflected as E-10.

(10) (a) "Gasoline" includes:

(i) all petroleum products commonly or commercially known or sold as gasolines, including casinghead gasoline, natural gasoline, aviation fuel, and all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines; and

(ii) except for alcohol blended into gasohol, any other type of additive when the additive is mixed or blended into gasoline, regardless of the additive's classifications or uses.

(b) Gasoline does not include special fuels as defined in 15-70-301.

(11) "Import" means to receive into a person's possession or custody first after its arrival and coming to rest at destination within the state of gasoline shipped or transported into this state from a point of origin outside of this state other than in the fuel supply tank of a motor vehicle.

(12) "Importer" means a person who transports or arranges for the transportation of gasoline into Montana for sale, use, or distribution in this state.

(13) "Improperly imported fuel" means aviation or gasoline fuel as defined in subsections (3) and (10) that:

(a) is consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana gasoline distributor license as required in 15-70-202; or

(b) is delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

(14) "Motor vehicle" means all vehicles operated or propelled upon the public highways or streets of this state in whole or in part by the combustion of gasoline.

(15) "Person" means any person, firm, association, joint-stock company, syndicate, or corporation.

(16) "Use" means the operation of motor vehicles upon the public roads or highways of the state or of any political subdivision of the state. (~~Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.~~)

~~15-70-201. (Effective July 1 of fourth year following date of occurrence of contingency) Definitions. As~~

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used in this part, unless the context requires otherwise, the following definitions apply:

\_\_\_\_\_ (1) "Agricultural use" means use of gasoline by a person who earns income while engaging in the business of farming or ranching and who files farm income reports for tax purposes as required by the United States internal revenue service.

\_\_\_\_\_ (2) "Aviation dealer" means a person in this state engaged in the business of selling aviation fuel, either from a wholesale or retail outlet, on which the license tax has been paid to a licensed distributor as provided in this section.

\_\_\_\_\_ (3) "Aviation fuel" means gasoline or any other liquid fuel by whatever name the liquid fuel may be known or sold, compounded for use in and sold for use in aircraft, including but not limited to any and all gasoline or liquid fuel meeting or exceeding the minimum specifications prescribed by the United States for use by its military forces in aircraft.

\_\_\_\_\_ (4) "Bulk delivery" means placing gasoline in storage or containers. The term does not mean gasoline delivered into the supply tank of a motor vehicle.

\_\_\_\_\_ (5) (a) "Distributed" means the time that gasoline is withdrawn from the tanks, refinery, or terminal storage for sale or use in this state or for the transportation to destinations in this state other than by pipeline to another refinery or pipeline terminal in this state for:

\_\_\_\_\_ (i) gasoline that is refined, produced, manufactured, or compounded in this state and placed in tanks;

\_\_\_\_\_ (ii) gasoline transferred from a refinery or pipeline terminal in this state and placed in tanks; or

\_\_\_\_\_ (iii) gasoline imported into this state and placed in storage at refineries or pipeline terminals.

\_\_\_\_\_ (b) When withdrawn from the tanks, refinery, or terminal, the gasoline may be distributed only by a person who is the holder of a valid distributor's license.

\_\_\_\_\_ (c) For gasoline imported into this state, other than the gasoline placed in storage at refineries or pipeline terminals, the gasoline is considered to be distributed after it has arrived in and is brought to rest in this state.

\_\_\_\_\_ (6) "Distributor" means:

\_\_\_\_\_ (a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding gasoline for sale, use, or distribution;

\_\_\_\_\_ (b) a person who imports gasoline for sale, use, or distribution;

\_\_\_\_\_ (c) a person who engages in the wholesale distribution of gasoline in this state and chooses to become licensed to assume the Montana state gasoline tax liability;

\_\_\_\_\_ (d) an exporter as defined in subsection (8);

\_\_\_\_\_ (e) a dealer licensed as of January 1, 1969, except a dealer at an established airport; or

\_\_\_\_\_ (f) a person in Montana who blends alcohol with gasoline.

\_\_\_\_\_ (7) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal within Montana.

\_\_\_\_\_ (8) "Exporter" means any person who transports, other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption beyond the boundaries of this state.

\_\_\_\_\_ (9) (a) "Gasoline" includes:

\_\_\_\_\_ (i) all products commonly or commercially known or sold as gasolines, including casinghead gasoline, natural gasoline, aviation fuel, and all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines; and

\_\_\_\_\_ (ii) any other type of additive when the additive is mixed or blended into gasoline, regardless of the additive's classifications or uses.

\_\_\_\_\_ (b) Gasoline does not include special fuels as defined in 15-70-301.

\_\_\_\_\_ (10) "Import" means to receive into a person's possession or custody first after its arrival and coming to rest at destination within the state of gasoline shipped or transported into this state from a point of origin outside of this state other than in the fuel supply tank of a motor vehicle.

\_\_\_\_\_ (11) "Importer" means a person who transports or arranges for the transportation of gasoline into Montana for sale, use, or distribution in this state.

\_\_\_\_\_ (12) "Improperly imported fuel" means aviation or gasoline fuel as defined in subsections (3) and (9) that:

\_\_\_\_\_ (a) is consigned to a Montana destination and imported into the state without the distributor first having obtained

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~~a Montana gasoline distributor license as required in 15-70-202; or~~

~~\_\_\_\_\_ (b) is delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.~~

~~\_\_\_\_\_ (13) "Motor vehicle" means all vehicles operated or propelled upon the public highways or streets of this state in whole or in part by the combustion of gasoline.~~

~~\_\_\_\_\_ (14) "Person" means any person, firm, association, joint-stock company, syndicate, or corporation.~~

~~\_\_\_\_\_ (15) "Use" means the operation of motor vehicles upon the public roads or highways of the state or of any political subdivision of the state."~~

**Renumber:** subsequent sections

18. Page 2, line 20 through line 29.

**Strike:** "15-70-204" on line 20 through "(1)." on line 29

19. Page 2, line 30.

**Strike:** "(Effective on occurrence of contingency)"

20. Page 3, line 10.

**Strike:** "January 1 following"

21. Page 3.

**Following:** line 23

**Insert:** "**Section 5.** Section 15-70-503, MCA, is amended to read:

**"15-70-503. Definitions.** As used in this part, the definitions in 15-70-201 and the following definitions apply:

(1) "Alcohol distributor" means any person who, for the purpose of making gasohol, engages in the business of producing alcohol for sale, use, or distribution.

(2) "Department" means the department of transportation.

(3) "Export" means to transport out of Montana from any point of origin within Montana by any means other than in the fuel supply tank of a motor vehicle.

(4) "Gasohol" means a gasoline fuel that is blended with denatured ethanol. Typically gasohol is a blend of 10% denatured ethanol and 90% gasoline, but the blended amounts may differ. The percentage of ethanol in the blend is identified by the letter "E" followed by the percentage number. A blend that is 10% denatured ethanol and 90% gasoline would be reflected as E-10.

~~(4)(5)~~ (5) "Gasohol dealer" means any person who blends alcohol with gasoline to produce gasohol for sale, use, or distribution in this state.""

**Insert:** "**Section 6.** Section 15-70-522, MCA, is amended to read:

**"15-70-522. Tax incentive for production of alcohol -- ~~written plan required~~ -- reservation of incentives --rules.** (1) (a) If the alcohol was produced in Montana from Montana agricultural products, including Montana wood or wood products, or if the alcohol was produced from non-Montana agricultural products when Montana products are not available, there is a tax incentive payable to alcohol distributors for distilling alcohol that:

(i) is to be blended with gasoline for sale as gasohol in Montana;

(ii) was exported from Montana to be blended with gasoline for sale as gasohol; or

(iii) is to be used in the production of ethyl butyl ether for use in reformulated gasoline.

(b) Payment must be made by the department out of the amount collected under 15-70-204.

(2) Except as provided in subsections (3) and (4), the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is ~~30~~ 20 cents a gallon for each gallon that is 100% produced from Montana products, with the amount of the tax incentive for each gallon reduced proportionately, based upon the amount of agricultural or wood products not produced in Montana that is used in the production of the alcohol. ~~Beginning July 1, 2010, there is no tax incentive.~~ The tax incentive is available to a facility for the first 6 years from the date that the facility begins production. The facility shall file a business plan with the department at least 2 years before the estimated beginning date of

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production. After the initial business plan is filed, the facility shall provide the department with quarterly updates regarding any changes to the business plan.

(3) Regardless of the alcohol tax incentive provided in subsection (2);

(a) the total payments made for the incentive under this part may not exceed \$6 million in any consecutive 12-month period;

(b) a plant or facility is not eligible to receive the tax incentive unless the facility paid the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), during the construction phase; and

(c) an alcohol distributor is not eligible to receive the tax incentive unless at least:

(i) 20% Montana product is used to produce alcohol at the facility in the first year of production;

(ii) 25% Montana product is used to produce alcohol at the facility in the second year of production;

(iii) 35% Montana product is used to produce alcohol at the facility in the third year of production;

(iv) 45% Montana product is used to produce alcohol at the facility in the fourth year of production;

(v) 55% Montana product is used to produce alcohol at the facility in the fifth year of production; and

(vi) 65% Montana product is used to produce alcohol at the facility in the sixth year of production.

(4) (a) An alcohol distributor may not receive tax incentive payments under subsection (2) that exceed \$3 \$2 million in any consecutive 12-month period. Subject to subsections (5) and (6), an alcohol distributor may receive tax incentive payments commencing the first quarter after a facility begins production. The distributor shall report its production to the department pursuant to 15-70-205.

(b) The distributor's report must include:

(i) the total number of gallons produced for the month;

(ii) the total amount of products purchased for the production of alcohol;

(iii) the percentage of the total amount of products purchased that are Montana products; and

(iv) other information that the department determines is necessary.

(5) An alcohol distributor may not receive tax incentive payments under subsection (2) unless the distributor has provided a written business plan to the department of transportation at least 24 months before the distributor's anticipated collection of the tax incentives and has complied with the schedule provided for in subsection (6). The plan must contain the following information:

\_\_\_\_\_ (a) the source or sources of financing for the acquisition of the plant, land, and equipment used for the production of alcohol for use in gasohol;

\_\_\_\_\_ (b) the anticipated source of agricultural products used in the production of alcohol for use in gasohol; and

\_\_\_\_\_ (c) the anticipated time, quantity, and duration of production of alcohol for use in gasohol;

\_\_\_\_\_ (6) An applicant that has provided the department with a written business plan shall meet the following schedule to be able to receive alcohol tax incentive payments:

\_\_\_\_\_ (a) start building construction or remodeling within 24 months of the date on which the department received the business plan;

\_\_\_\_\_ (b) complete 50% of construction or remodeling of a production facility within 36 months of the date on which the business plan was received; and

\_\_\_\_\_ (c) complete 100% of construction or remodeling of a production facility and be in production of alcohol for use in gasohol for distribution within 48 months of the date on which the business plan was received.

\_\_\_\_\_ (7) If the applicant does not adhere to the schedule in subsection (6), the applicant loses its priority for receiving incentive payments.

(8)(5) (a) A plant shall apply for the incentive payment by submitting an application to the department when the plant has proof of commitment from lenders to finance the plant. Subject to subsection (5)(b), the department shall respond to the applicant with approval of the application within 45 days of receipt of the application, after confirming the lending commitment. Upon approval of the application, the department shall enter into a contract with the plant that ensures the state's commitment to pay incentive payments to qualifying ethanol plants.

(b) If the department is not able to confirm a lending commitment, the department shall deny the application.

(6) After the department has verified production, the application provisions of subsection (5) are met, and the plant owner presents proof of financing, the department shall begin payments of the alcohol tax incentives based on actual

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production according to the terms of ~~subsection~~ subsections (2) and (4). ~~(9) The department shall reserve, in the order that written plans required under subsection (5) are received by the department, alcohol tax incentives based on the anticipated time, quantity, and duration of production.~~

~~(10) A new tax incentive payment may not be made if the total tax incentive established in subsection (3) has been reserved or paid. If an alcohol tax incentive has been reduced or canceled, the amount by which the tax incentive has been reduced or canceled is available for reservation as provided in subsection (9).~~

~~(11)(7) The department shall prescribe rules necessary to carry out the provisions of this section within 1 year of [the effective date of this act]. The department shall coordinate and request information and input from the alcohol production industry as a part of the rulemaking process and shall follow the procedures provided in Title 2, chapter 4."~~

**Insert: "Section 7.** Section 17-6-317, MCA, is amended to read:

**"17-6-317. Participation by private financial institutions -- rulemaking.** (1) (a) The board may jointly participate with private financial institutions in making loans to a business enterprise if the loan will:

(i) result in the creation of a business estimated to employ at least 10 people in Montana on a permanent, full-time basis;

(ii) result in the expansion of a business estimated to employ at least an additional 10 people in Montana on a permanent, full-time basis; or

(iii) prevent the elimination of the jobs of at least 10 Montana residents who are permanent, full-time employees of the business.

(b) Loans under this section may be made only to business enterprises that are producing or will produce value-added products or commodities.

(c) A loan made pursuant to this section does not qualify for a job credit interest rate reduction under 17-6-318.

(2) A loan made pursuant to this section may not exceed 1% of the coal severance tax permanent fund and must comply with each of the following requirements:

(a) (i) The business enterprise seeking a loan must have a cash equity position equal to at least 25% of the total loan amount.

(ii) A participating private financial institution may not require the business to have an equity position greater than 50% of the total loan amount.

(iii) If additional security or guarantees, exclusive of federal guarantees, are required to cover a participating private financial institution, then the additional security or guarantees must be proportional to the amount loaned by all participants, including the board of investments.

(b) The board shall provide 75% of the total loan amount.

(c) The term of the loan may not exceed 15 years.

(d) The board shall charge interest at the following annual rate:

(i) 2% for the first 5 years if 15 or more jobs are created or retained;

(ii) 4% for the first 5 years if 10 to 14 jobs are created or retained;

(iii) 6% for the second 5 years; and

(iv) the board's posted interest rate for the third 5 years, but not to exceed 10% a year.

(e) (i) The interest rates in subsections (2)(d)(i) and (2)(d)(ii) become effective when the board receives certification that the required number of jobs has been created or as provided in subsection (2)(e)(ii). If the board disburses loan proceeds prior to creation of the required jobs, the loan must bear interest at the board's posted rate.

(ii) In establishing interest rates under subsections (2)(d)(i) and (2)(d)(ii) for preventing the elimination of jobs, the board shall require the submission of financial data that allows the board to determine if the loan and interest rate will in fact prevent the elimination of jobs.

(f) If a business entitled to the interest rate in subsection (2)(d)(i) or (2)(d)(ii) reduces the number of required jobs, the board may apply a graduated scale to increase the interest rate, not to exceed the board's posted rate.

(g) For purposes of calculating job creation or retention requirements, the board shall use the average weekly salary, as defined in 39-71-116, multiplied by the number of jobs required. This calculated number is the minimum aggregate salary threshold that is required to be eligible for a reduced interest rate. If individual jobs created pay less than the average weekly salary, the borrower shall create more jobs to meet the minimum aggregate salary threshold. If fewer

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jobs are created or retained than required in subsection (2)(d)(i) or (2)(d)(ii) but aggregate salaries meet the minimum aggregate salary threshold, the borrower is eligible for the reduced interest rate. A job paying less than the minimum wage, provided for in 39-3-409, may not be included in the required number of jobs.

(h) (i) A participating private financial institution may charge interest in an amount equal to the national prime interest rate, adjusted on January 1 of each year, but the interest rate may not be less than 6% or greater than 12%.

(ii) At the borrower's discretion, the borrower may request the lead lender to change this prime rate to an adjustable or fixed rate on terms acceptable to the borrower and lender.

(iii) A participating private financial institution, or lead private financial institution if more than one is participating, may charge a 0.5% annual service fee.

(i) The business enterprise may not be charged a loan prepayment penalty.

(j) The loan agreement must contain provisions providing for pro rata lien priority and pro rata liquidation provisions based upon the loan percentage of the board and each participating private lender.

(3) If a portion of a loan made pursuant to this section is for construction, disbursement of that portion of the loan must be made based upon the percentage of completion to ensure that the construction portion of the loan is advanced prior to completion of the project.

(4) A private financial institution shall participate in a loan made pursuant to this section to the extent of 85% of its lending limit or 25% of the loan, whichever is less. However, the board's participation in the loan must be 75% of the loan amount.

(5) (a) ~~Except as provided in subsection (5)(b), a business enterprise receiving a loan under the provisions of this section may not pay bonuses or dividends to investors until the loan has been paid off, except that incentives may be paid to employees for achieving performance standards or goals.~~

(b) A business enterprise for the production of alcohol to be used as provided in Title 15, chapter 70, part 5, may pay dividends to investors and bonuses to employees if the business enterprise is current on its loan payments and has available funds equal to at least 15% of the outstanding principal balance of the loan.

(6) The board may adopt rules that it considers necessary to implement this section.""

**Insert: "Section 8.** Section 82-15-101, MCA, is amended to read:

**"82-15-101. Definitions.** As used in this part, the following definitions apply:

(1) "Antiknock index number" means the octane rating of the antiknock characteristics of a grade or type of motor fuel determined as provided in 16 CFR 306.0.

~~(2)~~ (2) "Dealer" means any person engaged in the petroleum business and includes petroleum dealers and liquefied petroleum dealers.

~~(3)~~ (3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

~~(4)~~ (4) "Liquefied petroleum dealer" means a dealer engaged, directly or indirectly, in the business of delivering or distributing to a consumer or of selling or offering or advertising for sale or refining or manufacturing or keeping for sale in this state any petroleum product composed predominately of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, butanes (normal butane or isobutane), and butylenes but excluding prepackaged liquefied petroleum products.

~~(5)~~ (5) "Liquefied petroleum product" means a product composed predominately of any of the following hydrocarbons or mixtures of hydrocarbons: propane, propylene, butanes (normal butane or isobutane), and butylenes.

~~(6)~~ (6) "Liquefied petroleum product container" means a container approved by the American society of mechanical engineers that can hold 110 gallons or more of a liquefied petroleum product.

~~(7)~~ (7) "Misabeled" means a package label or dispensing device of a product that bears any statement, design, or device regarding the product or regarding ingredients or substances in the product or regarding the properties, quality, or kind of products that is false or misleading in any manner.

~~(8)~~ (8) "Owner" means a person:

(a) who is listed with the American society of mechanical engineers or with the manufacturer as owner by the serial number of the liquefied petroleum product container;

(b) who holds a written bill of sale or other instrument under which title to a liquefied petroleum product container was transferred; or

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(c) who holds a paid invoice showing purchase of and payment for a liquefied petroleum product container.

~~(8)(9)~~ "Person" means an individual, trust, estate, partnership, corporation, joint-stock company, firm, agency, association, or any receiver appointed by law.

~~(9)(10)~~ "Petroleum dealer" means a dealer engaged, directly or indirectly, in the business of delivering or distributing to a consumer or offering or advertising for sale, refining, manufacturing, or keeping for sale in this state any gasoline, kerosene, distillate, road oil, fuel oil, lubricating oil, or greases or any oil or gas or oil and gas product except prepackaged petroleum products and except as otherwise defined as a liquefied petroleum dealer in subsection ~~(3)~~ (4).

~~(10)(11)~~ "Sell" and "sale" includes barter and exchange.""

**Renumber:** subsequent sections

22. Page 5, line 27.

**Insert:** "NEW SECTION. Section 14. Department of environmental quality to enforce prohibition on methyl tertiary butyl ether -- notice requirements -- hearing -- penalties. (1) (a) Whenever the department of environmental quality believes that a violation of 82-15-110(8) or of the rules adopted pursuant to 82-15-102(3) has occurred, it may serve written notice of the violation on the alleged violator or an agent of the alleged violator.

(b) The notice must specify the facts alleged to constitute a violation and may include an order assessing an administrative penalty pursuant to subsection (3), an order to take necessary corrective action within a reasonable period of time stated in the order, or both.

(c) The order becomes final unless, within 30 days after the notice is served, the person named in the order requests in writing a hearing before the board of environmental review. Service by mail is complete on the date of mailing.

(d) Upon receipt of the request, the board of environmental review shall schedule a hearing. The contested case provisions of the Montana Administrative Procedure Act provided in Title 2, chapter 4, part 6, apply to a hearing conducted under this section.

(2) If, after a hearing held under subsection (1), the board of environmental review finds that a violation has occurred, it shall either affirm or modify the order of the department of environmental quality. An order issued by the department of environmental quality or by the board of environmental review may prescribe the date by which the violation must cease and may prescribe time limits for a particular action. If, after hearing, the board of environmental review finds no violation has occurred, it shall rescind the order of the department of environmental quality.

(3) A violation of 82-15-110(8) or of a rule adopted pursuant to 82-15-102(3) is subject to an administrative penalty of up to \$1,000. Each day of violation constitutes a separate violation.

(4) Any person who violates 82-15-110(8), a rule adopted pursuant to 82-15-102(3), or an order issued under this section is subject to a civil penalty not to exceed \$5,000 for each violation. Each day of violation constitutes a separate violation.

(5) The department of environmental quality is authorized to commence a civil action seeking appropriate relief, including temporary and permanent injunctions and penalties under subsection (4) of this section, for a violation of 82-15-110(8), a rule adopted pursuant to 82-15-102(3), or a violation of an order issued under this section. The action must be brought in the district court of the first judicial district, Lewis and Clark County, or in the district court of the county in which the violation occurred."

**Insert:** "**Section 15.** Section 82-15-111, MCA, is amended to read:

**"82-15-111. Penalty for violations.** A person who purposely, knowingly, or negligently violates any of the provisions of this part, except 82-15-110(8), or any rule promulgated by the department is guilty of a misdemeanor and upon conviction shall for the first offense be punished by a fine of not less than \$10 or more than \$1,000 and shall be punished for any subsequent offense by a fine of not less than \$50 or more than \$5,000, by imprisonment in the county jail for a term not exceeding 1 year, or by both fine and imprisonment.""

**Insert:** "**Section 16.** Section 12, Chapter 568, Laws of 2001, is amended to read:



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**"Section 12. Contingent effective date.** ~~{This act}~~ is [Sections 5 through 10] are effective 30 days after the director of the department of transportation certifies to the governor, sending a copy of the certification to the secretary of state and the code commissioner, that:

- (1) an ethanol plant is operational and producing fuel in Montana; and
- (2) the net working capital in the restricted highway state special revenue account, excluding any proceeds obtained through debt financing, is at least \$20 million on June 30 following the date on which the condition in subsection (1) is complied with."

**Insert:** "Section 17. Section 13, Chapter 568, Laws of 2001, is amended to read:

**"Section 13. Contingent termination.** ~~{This act}~~ terminates [Sections 5 through 10] terminate June 30 of the fourth year following [the effective date of this act]."

**Insert:** "NEW SECTION. **Section 18. Repealer.** Section 15-70-245, MCA, is repealed."

**Renumber:** subsequent sections

23. Page 5, line 28.

**Following:** "1"

**Strike:** "and"

**Insert:** ", "

**Following:** "2"

**Insert:** ", and 14"

24. Page 5, line 30.

**Strike:** "and"

**Insert:** ", "

**Following:** "2"

**Insert:** ", and 14"

25. Page 6, line 2.

**Strike:** section 10 in its entirety

**Renumber:** subsequent section

26. Page 6.

**Following:** following line 4

**Insert:** "NEW SECTION. **Section 21. Contingent termination.** (1) Subject to subsection (2), [sections 1 and 2] and the amendments to 15-70-204 terminate 5 years after the production level provided for in [section 1] is met.

(2) If, after the 55-million-gallon production requirement of [section 1] is met, the production of denatured ethanol in Montana falls below 30 million gallons on an annualized basis, [sections 1 and 2] and the amendments to 15-70-204 are terminated.

(3) The department of transportation shall inform the code commissioner of the date that the production level provided for in [section 1] is met.

(4) The department of transportation shall inform the code commissioner if production of denatured ethanol in Montana falls below 30 million gallons on an annualized basis once the production requirement of 55 million gallons provided for in [section 1] has been met."

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

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**HB 540** - The Senate requested the House return **HB 540** for reconsideration in the Senate:

4/13/2005

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 477** concurred in as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Hiner, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Wells.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 486** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Harris, Windham.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 377** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Balyeat, Barrett, D. Brown, R. Brown, Caferro, Everett, Hawk, Heinert, Himmelberger, Jackson, Jacobson, Jayne, Koopman, Lake, Lambert, MacLaren, McGillvray, Mendenhall, Morgan, B. Olson, Rice, Ross, Sales, Sinrud, Sonju, Ward, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 385** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Bergren, Caferro, Dowell, Gallik, Galvin-Halcro, Golie, Henry, Jacobson, Jayne, Juneau, Kaufmann, Wilson.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 395** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje,

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McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, Dickenson, Everett, Franklin, Hawk, Hiner, Jayne, Koopman, MacLaren, Malcolm, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 396** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 406** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Balyeat, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, W. Jones, Keane, Koopman, Lambert, McNutt, A. Olson, B. Olson, Ripley, Sales, Sinrud, Stoker, Waitschies, Wells.

Total 20

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 418** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, D. Brown, Everett, Jackson, Koopman, Malcolm, Rice, Sales, Sinrud.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 425** passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Andersen, Everett, Hawk, Koopman, Malcolm, Mendenhall, Sales, Sinrud, Taylor.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 428** passed as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 41

Excused: None.  
Total 0

Absent or not voting: Campbell.  
Total 1

**HB 429** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 431** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 66

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Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Gallik, Hawk, Hendrick, Himmelberger, Jackson, Jacobson, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, B. Olson, Rice, Ripley, Ross, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 33

Excused: None.

Total 0

Absent or not voting: Franklin.

Total 1

**HB 457** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: D. Brown, R. Brown, Butcher, Everett, Franklin, Golie, Hawk, Henry, Hiner, Koopman, Lake, Sales, Wilson.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 473** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Andersen, Barrett, D. Brown, R. Brown, Glaser, Hawk, Hendrick, Himmelberger, Koopman, Lake, MacLaren, Maedje, McGillvray, Mendenhall, Noennig, B. Olson, Ross, Sales, Wagman, Wells.

Total 20

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 474** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 66

Noes: Balyeat, D. Brown, Eaton, Everett, Hawk, Hendrick, Himmelberger, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Villa, Warden, Wells, Witt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 536** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 72

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Ward, Warden, Wells.  
Total 28

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 537** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry,



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Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Hawk, MacLaren, Malcolm, Mendenhall.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 574** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Andersen, Balyeat, Butcher, Everett, Hawk, Himmelberger, Klock, Koopman, Lange, Malcolm, Mendenhall, Morgan, Ripley, Sinrud, Sonju, Stahl, Wagman, Ward.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 615** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

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Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 645** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 41** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Peterson, Sales.

Total 2

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

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**SB 58** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 93** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 108** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley,

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Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Sales.

Total 1

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

**SB 120** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Everett, Harris, Hawk, Koopman, Sales, Sinrud, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 197** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: W. Jones, Koopman, McGillvray.

Total 3

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 428 failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Dowell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.  
Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 498 concurred in** as follows:

Ayes: Andersen, Arntzen, Balyeat, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Barrett, Becker, Gallik, Himmelberger, Hiner, Juneau, Koopman, Sales, Wanzenried.  
Total 9

Excused: None.

Total 0

Absent or not voting: W. Jones.

Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McGillvray in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 453 - Senate Amendments** - Representative Furey moved Senate amendments to **HB 453** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Barrett, Hawk, Lake, Ripley, Stoker, Wagman.

Total 6

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**SB 499** - Representative Facey moved **SB 499** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, Milburn, Morgan, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Balyeat, Becker, Butcher, Buzzas, Everett, Franklin, Golie, Hawk, Heinert, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McNutt, Mendenhall, Musgrove, A. Olson, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Waitschies, Wilson, Windy Boy.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 68** - Representative Facey moved **SB 68** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 85** - Representative Campbell moved **SB 85** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 75

Noes: Balyeat, Barrett, D. Brown, Driscoll, Everett, Golie, Himmelberger, Jackson, Koopman, Malcolm, McKenney, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Wagman, Waitschies, Wilson, Witt.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Bergren, Jopek, McGillvray, Roberts.  
Total 4

**SB 87** - Representative Cohenour moved **SB 87** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

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Noes: R. Brown, Everett, Glaser, Jayne, Klock, Lindeen, Maedje, Malcolm, Mendenhall, Morgan, Wagman, Ward, Wilson, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: Musgrove, Stahl, Stoker.

Total 3

**SB 222** - Representative Jopek moved **SB 222** be concurred in.

**SB 222** - Representative Lindeen moved **SB 222**, second reading copy, be amended as follows:

1. Page 2, line 19.

**Following:** "account."

**Insert:** "When allocating the tax under subsection (2), county commissioners shall take into account any funding requested by a transportation district in the county."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Hawk, Stoker.

Total 2

Excused: None.

Total 0

Absent or not voting: Furey.

Total 1

**SB 222** - Representative Jopek moved **SB 222**, as amended, be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Jackson, Jacobson, W. Jones, Jopek, Juneau, Kaufmann, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Small-Eastman, Sonju, Stahl, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 67



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Noes: Andersen, Barrett, Everett, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Hiner, Jayne, Jent, L. Jones, Keane, Klock, Koopman, Lake, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Sales, Sesso, Sinrud, Stoker, Taylor, Wagman, Wells, Witt.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 261** - Representative Peterson moved **SB 261** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Galvin-Halcro.

Total 2

Excused: None.

Total 0

Absent or not voting: Facey, Himmelberger.

Total 2

**SB 292** - Representative Wiseman moved **SB 292** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 74

Noes: Barrett, D. Brown, Everett, Gallik, Golie, Hawk, Heinert, Hendrick, L. Jones, Koopman, Lake, MacLaren, Malcolm, McGillvray, Mendenhall, Milburn, Peterson, Rice, Sales, Sinrud, Sonju, Stoker, Wagman, Wells, Witt.

Total 25

Excused: None.

Total 0

Absent or not voting: Andersen.

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Total 1

**SB 296** - Representative Lambert moved **SB 296** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Becker, Bixby, D. Brown, Cohenour, Dowell, Eaton, Gallik, Golie, Hamilton, Harris, Jacobson, Jopek, Juneau.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Hendrick.  
Total 1

**SB 323** - Representative Lake moved **SB 323** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Bixby, Gallik, Hamilton, Jayne, W. Jones, Juneau.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Peterson, Stahl.  
Total 2

**SB 340** - Representative Himmelberger moved **SB 340** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Stahl,

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Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: R. Brown, Gallik, Galvin-Halcro, Golie, Harris, Hawk, Heinert, Jackson, Jayne, W. Jones, Juneau, Keane, Koopman, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, B. Olson, Rice, Small-Eastman, Wells, Windy Boy.

Total 23

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

**SB 432** - Representative Grinde moved **SB 432** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 46 - Governor's Amendments** - Representative Parker moved Governor's amendments to **HB 46** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Bixby, Jayne, Juneau, Maedje.

Total 4

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 652 - Senate Amendments** - Representative Cohenour moved Senate amendments to **HB 652** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Everett.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 668 - Senate Amendments** - Representative Noonan moved Senate amendments to **HB 668** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Barrett, D. Brown, Everett, Hawk, Hendrick, Koopman, Lambert, Maedje, Mendenhall, Ripley, Sonju, Stahl, Wagman, Ward.  
Total 14

Excused: None.  
Total 0

Absent or not voting: L. Jones, Morgan.  
Total 2

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**HB 681 - Senate Amendments** - Representative Raser moved Senate amendments to **HB 681** be concurred in.

**HB 681** - Representative R. Brown moved consideration of **HB 681** be placed at the bottom of the second reading board. Motion carried.

**HB 687 - Senate Amendments** - Representative Mendenhall moved Senate amendments to **HB 687** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Bergren, Bixby, Galvin-Halcro, Golie, Gutsche, Harris, Jopek, Koopman, Windy Boy.  
Total 9

Excused: None.  
Total 0

Absent or not voting: R. Brown, Glaser, Juneau, Sesso.  
Total 4

**HB 696 - Senate Amendments** - Representative Jayne moved Senate amendments to **HB 696** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Hawk, Koopman, Lange, McGillvray, Sales, Sinrud, Warden.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 701 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 701** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Butcher, Jayne, Musgrove.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Golie.  
Total 1

**HB 721 - Senate Amendments** - Representative Parker moved Senate amendments to **HB 721** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 91

Noes: Hawk, Himmelberger, Jayne, Koopman, Maedje, Sales, Wagman, Wells, Witt.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 726 - Senate Amendments** - Representative Gutsche moved Senate amendments to **HB 726** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

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Total 98

Noes: Jayne.

Total 1

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

**HB 732 - Senate Amendments** - Representative Roberts moved Senate amendments to **HB 732** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jayne, Lange, B. Olson, Rice, Sales, Sinrud, Wagman, Waitschies.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 737 - Senate Amendments** - Representative McNutt moved Senate amendments to **HB 737** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: D. Brown, R. Brown, Everett, Hawk, Hendrick, Himmelberger, W. Jones, Koopman, Lake, Lange, MacLaren, Maedje, Mendenhall, Morgan, Rice, Sales, Sinrud, Stoker, Wagman, Waitschies, Wells.

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Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 738 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 738** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Klock, Koopman, Lake, Lange, McGillvray, McKenney, Rice, Ripley, Ross, Sales, Wagman, Waitschies, Wells, Witt.

Total 21

Excused: None.

Total 0

Absent or not voting: Glaser, Himmelberger, Maedje, Stahl.

Total 4

**HJR 1 - Senate Amendments** - Representative Franklin moved Senate amendments to **HJR 1** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Harris, Koopman, Lake, McGillvray, Rice, Sales, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: None.



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Total 0

**HJR 6 - Senate Amendments** - Representative Windy Boy moved Senate amendments to **HJR 6** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Everett, Jackson, Koopman, Lake, Malcolm, McGillvray, Rice, Ross, Sales.

Total 9

Excused: None.

Total 0

Absent or not voting: Buzzas, Hendrick, A. Olson, Peterson.

Total 4

**HJR 7 - Senate Amendments** - Representative Small-Eastman moved Senate amendments to **HJR 7** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Lake, Wagman.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 15 - Senate Amendments** - Representative Juneau moved Senate amendments to **HJR 15** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell,

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Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 74

Noes: D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, McGillvray, McKenney, Milburn, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 17 - Senate Amendments** - Representative McAlpin moved Senate amendments to **HJR 17** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 81

Noes: Balyeat, Butcher, Everett, Hawk, Heinert, Klock, Koopman, Lake, Lange, McNutt, Rice, Ripley, Ross, Sales, Sonju, Stahl, Ward, Warden, Witt.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 19 - Senate Amendments** - Representative Matthews moved Senate amendments to **HJR 19** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley,

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Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Everett, Koopman, Milburn.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 61 - Governor's Amendments** - Representative Villa moved Governor's amendments to **SB 61** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 86

Noes: Everett, Hawk, Himmelberger, Keane, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Ward, Wells, Witt.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 681 - Senate Amendments** - Representative Raser moved Senate amendments to **HB 681** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Butcher, Everett, Hawk, Koopman, Lake, Lange, MacLaren, McGillvray, Rice, Sales.

Total 10

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Excused: None.  
Total 0

Absent or not voting: Campbell, Peterson, Stahl.  
Total 3

**HB 63 - Conference Committee Report No. 1** - Representative Villa moved the Conference Committee report to **HB 63** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Eaton, Everett, Franklin, Glaser, Golie, Gutsche, Harris, Heinert, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Bixby, Branae, Cohenour, Driscoll, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Hamilton, Hawk, Hendrick, Hiner, Jacobson, Juneau, Musgrove, B. Olson, Windham.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McGillvray moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Bixby, Facey, Gallik, Galvin-Halcro, Hawk, Hendrick, Jacobson, Juneau, Koopman, MacLaren, Mendenhall, Sales, Wells, Windham.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Wagman.  
Total 1

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**MOTIONS**

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 361**. Motion carried.

The Speaker appointed the following members:

Representative Peterson  
Representative Maedje  
Representative Gallik  
Representative Hamilton

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 540**. Motion carried.

The Speaker appointed the following members:

Representative Dickenson  
Representative Juneau  
Representative Wells  
Representative Sales

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 2**. Motion carried.

The Speaker appointed the following members:

Representative Sinrud  
Representative Wells  
Representative Franklin  
Representative Buzzas

Rep. Leader Brown moved the House suspend its rules for the late acceptance of a general bill. **HB 386** is on 2nd reading in the Senate today. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Ripley, Windy Boy.

Total 2

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

Rep. Jacobson moved the House reconsider its action on April 13, 2005, on **SB 428** for the purpose of placing the bill back on 3rd Reading. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

Rep. Peterson moved **SB 494** be withdrawn from the House Natural Resources Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Sinrud moved **SB 274** be withdrawn from the House Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 75

Noes: Bixby, Branae, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Galvin-Halcro, Grinde, Gutsche, Harris, Himmelberger, Jayne, Jopek, Juneau, Koopman, Musgrove, Noennig, Noonan, Raser, Small-Eastman, Stahl, Windy Boy.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Buzzas moved **SB 30** be withdrawn from the House Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion carried as follows:

Ayes: Becker, Bergren, Branae, Butcher, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 63

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Campbell, Clark, Everett, Galvin-Halcro, Glaser, Groesbeck, Hawk, Himmelberger, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Stahl moved the House reconsider its action on April 12, 2005, on **SB 301** for the purpose of placing the bill back on 3rd Reading. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Buzzas, Caferro, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Grinde, Gutsche, Harris, Heinert, Henry, Hiner, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Lambert, Lenhart, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Stahl, Stoker, Villa, Waitschies, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 54

Noes: Balyeat, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Dowell, Everett, Gallik, Glaser, Golie, Groesbeck, Hamilton, Hawk, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Koopman, Lake, Lange, Lindeen, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Small-Eastman, Sonju, Taylor, Wagman, Wanzenried, Ward, Wells.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Thursday, April 14, 2005. Motion carried.

House adjourned at 3:56 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



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59TH LEGISLATURE  
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 14, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Lt. Governor Bohlinger. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzenried to Speaker Matthews stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take **SB 48** from the House Taxation Committee and place on 2nd Reading on April 15, 2005.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/14/2005

Correctly enrolled: **HB 18, HB 67, HB 140, HB 159, HB 179, HB 182, HB 188, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 331, HB 332, HB 377, HB 345, HB 349, HB 351, HB 363, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 503, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Examined by the sponsor and found to be correct: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 351, HB 363.**

Signed by the Chief Clerk of the House at 5:10 p.m., April 13, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Signed by the Speaker at 8:00 a.m., April 14, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Signed by the President at 10:00 a.m., April 14, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Delivered to the Governor for approval at 12:25 p.m., April 14, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

**TAXATION** (Waitschies, Chairman):

4/14/2005

**HJR 43**, be adopted. Report adopted.

**SB 48**, without recommendation. Report adopted.

**SB 115**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "1.5"

**Insert:** "3"

2. Title, page 1, line 9.

**Strike:** "15-1-101, 15-6-135,"

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3. Page 1, line 24 through line 25.

**Strike:** the second "or" on line 24 through "utility;" on line 25

**Insert:** "described under 15-6-137."

4. Page 1, line 26 through page 1, line 29.

**Strike:** subsection (e) through subsection (f) in their entirety

5. Page 2, line 5.

**Strike:** "1.5% "

**Insert:** "3% "

6. Page 2, line 8 through line 9.

**Strike:** ", including" on line 8 through "[section 1]," on line 9

7. Page 2, line 22.

**Insert:** "NEW SECTION. Section 3. Tax abatement for wind generation facilities. Notwithstanding the provisions of 15-24-1401, on [the effective date of Senate Bill No. 19], a new wind generation facility described in [section 1] may be granted the tax benefits under 15-24-1402 as that section applied on December 31, 2004."

**Renumber:** subsequent sections

8. Page 2, line 23 through page 7, line 21.

**Strike:** section 3 through section 4 in their entirety

**Renumber:** subsequent sections

9. Page 8, line 25.

**Strike:** "or [section 1]"

10. Page 9, line 15 through line 16.

**Strike:** "or" on line 15 through "[section 1]"

11. Page 10, line 6.

**Strike:** "or [section 1]"

12. Page 17.

**Following:** line 24

**Insert:** "(3) [Section 3] is intended to be codified as an integral part of Title 15, chapter 24, part 14, and the provisions of Title 15, chapter 24, part 14, apply to [section 3]."

"COORDINATION SECTION. Section 12. Coordination instruction. If Senate Bill No. 19 is not passed and approved, [section 3 of this act] is void.

"COORDINATION SECTION. Section 13. Coordination instruction. If Senate Bill No. 48 is not passed and approved or if Senate Bill No. 48 is passed and approved but it does not contain a section that amends 15-6-138 to eliminate the provision for a phased-in reduction of the tax rate on class eight property to zero contingent on a certain increase in state wages and salaries and if Senate Bill No. 68 and [this act] are passed and approved, then [section 6] of Senate Bill No. 68 must read as follows:

"NEW SECTION. Section 6. Personal and other property exemptions. The following categories of property are exempt from taxation:

(1) harness, saddlery, and other tack equipment;

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(2) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

- (a) construct, repair, and maintain improvements to real property; or
  - (b) repair and maintain machinery, equipment, appliances, or other personal property;
  - (3) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
  - (4) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
  - (5) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
    - (a) the acquired cost of the personal property is less than \$15,000;
    - (b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
    - (c) the lease of the personal property is generally on an hourly, daily, or weekly basis;
  - (6) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;
  - (7) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;
- and

(8) the following property, except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, 15-6-156, and [section 1 of Senate Bill No. 115] if the tax rate in 15-6-138 reaches zero:

- (a) all agricultural implements and equipment;
- (b) all mining machinery, fixtures, equipment, tools, and supplies;
- (c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools, and supplies;
- (d) all manufacturing machinery, fixtures, equipment, tools, and supplies;
- (e) all goods and equipment that are intended for rent or lease;
- (f) special mobile equipment as defined in 61-1-104;
- (g) furniture, fixtures, and equipment;
- (h) x-ray and medical and dental equipment;
- (i) citizens' band radios and mobile telephones;
- (j) radio and television broadcasting and transmitting equipment;
- (k) cable television systems;
- (l) coal and ore haulers; and
- (m) theater projectors and sound equipment."

**Renumber:** subsequent sections

13. Page 18, line 1.

**Following:** "2"

**Insert:** ", 3,"

**Strike:** "9"

**Insert:** "8"

**Strike:** "11"

**Insert:** "10"

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And, as amended, be concurred in. Report adopted.

**SB 442**, be concurred in. Report adopted.

**SB 511**, be concurred in. Report adopted.

**SJR 20**, be amended as follows:

1. Page 1, line 10.

**Strike:** "LIMIT"

**Insert:** "affect"

2. Page 1, line 12.

**Strike:** "limiting"

**Insert:** "acquired"

3. Page 1, line 13.

**Following:** "these"

**Insert:** "and adjacent"

4. Page 1, line 14 through line 15.

**Strike:** line 14 through line 15

5. Page 1, line 18.

**Following:** "acquisition"

**Insert:** "of development rights"

**Strike:** "significant"

6. Page 1, line 19.

**Following:** "counties"

**Insert:** ";

7. Page 1, line 19 through line 20.

**Following:** "counties"

**Strike:** remainder of line 19 through "agreement;" on line 20

8. Page 1, line 21.

**Strike:** "there are"

**Strike:** "CURRENTLY 12"

**Following:** "AGENCIES"

**Insert:** "are"

And, as amended, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on House Bill 517**

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Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 517** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 517** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

**Strike:** "DEFINITION"

**Insert:** "Definitions"

**Following:** "31."

**Insert:** "the following definitions apply:

(1) "Microdistillery" means a distillery located in Montana that produces 25,000 gallons or less of liquor annually. (2)"

**Strike:** ""PRODUCES""

**Insert:** ""Produces""

2. Page 2, line 10 through line 15.

**Strike:** subsections (c) and (d) in their entirety

**Renumber:** subsequent subsection

3. Page 2, line 29.

**Insert:** "(3) A microdistillery may:

(a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the microdistillery to consumers for consumption on the premises between 10 a.m. and 8 p.m. A microdistillery may not sell or give more than 2 ounces of liquor to an individual for on-premises consumption during a business day.

(b) sell liquor that it produces at retail at the distillery directly to the consumer for off-premise consumption if:

(i) not more than 1 liter a day is sold to an individual; and

(ii) the minimum retail price as determined by the department is charged."

For the House:

Galvin-Halcro  
Himmelberger  
McKenney  
Wiseman

For the Senate:

Smith, Chairman  
Laible  
Tester

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 146**

Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 146** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 146** (reference copy -- salmon) be amended as follows:

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1. Page 10, line 27.

**Following:** "DEFENDER."

**Insert:** "The office of appellate defender must be located in Helena, Montana."

2. Page 28, line 4.

**Strike:** "\$310,195"

**Insert:** "\$172,600"

3. Page 86, line 30.

**Following:** "~~100%~~"

**Strike:** "25%"

**Insert:** "50% "

For the Senate:

Wheat, Chairman  
Ellingson  
McGee

For the House:

Gutsche  
Parker  
Lange  
Rice

CONFERENCE COMMITTEE  
on **Senate Bill 443**  
Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 443** (reference copy -- salmon) and recommend this Conference Committee report be accepted.

And, recommend that House amendments to **Senate Bill 443** (reference copy -- salmon) be rejected by the Senate.

For the Senate:

Roush, Chairman  
Cocchiarella  
Steinbeisser

For the House:

Arntzen  
Klock  
Windy Boy

**FREE** CONFERENCE COMMITTEE  
on **House Bill 146**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 146** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 146** (reference copy -- salmon) be amended as follows:

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1. Page 2, line 22.

**Following:** "entity"

**Insert:** "or its contractors"

2. Page 3, line 11.

**Following:** "citizen"

**Strike:** "or governmental entity"

3. Page 3, line 13.

**Following:** "employee"

**Strike:** "related to the officer's or employee's service"

**Insert:** "within the scope of the officer's or employee's duties"

4. Page 5, line 21.

**Following:** the first "citizen"

**Insert:** "either as plaintiff or as coplaintiff"

5. Page 5, line 22.

**Following:** "between"

**Strike:** "25% "

**Insert:** "15% "

For the House:

Everett  
Gallik  
Harris  
Koopman

For the Senate:

Cromley, Chairman  
Laslovich  
Shockley

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 217**  
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 217** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

And, recommend that **Senate Bill 217** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

**Following:** "MCA;"

**Strike:** "AND"

2. Title, line 8.

**Following:** "ARM 24.21.414"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

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3. Page 1, line 26.

**Following:** "EMPLOYER'S"

**Insert:** "lowest"

4. Page 6, line 21.

**Strike:** "ONLY FOR CONSTRUCTION SERVICES, AS DEFINED IN 18-2-401"

5. Page 6, line 22 through line 24.

**Strike:** subsection (H) in its entirety

**Renumber:** subsequent subsections

6. Page 8, following line 7.

**Insert:** "NEW SECTION. Section 7. Effective date. [This act] is effective October 1, 2006."

BE ADOPTED

For the Senate:

Cocchiarella, Chairman

Kitzenberg

Larson

WITH NO RECOMMENDATION

For the House:

Bergren

Keane

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 218**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 218** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 218** (reference copy -- salmon) be amended as follows:

1. Title, line 10 through line 11.

**Strike:** "REDUCING" through "DISTRICT;"

2. Title, line 13.

**Strike:** "7-22-2441,"

3. Page 3, line 17 through line 23.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

For the House:

Arntzen

Harris

For the Senate:

Hawks, Chairman

Kitzenberg

Moss



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McAlpin  
B. Olson

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 272**  
Report No. 1, April 13, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 272** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 272** (reference copy -- salmon) be amended as follows:

1. Title, line 4.

**Strike:** "25"

**Insert:** "50"

2. Page 1, line 20 through line 21.

**Strike:** ", except as provided in subsection (3)"

3. Page 1, line 23.

**Strike:** "25" in two places

**Insert:** "50" in two places

4. Page 1, line 24.

**Strike:** "25" in three places

**Insert:** "50" in three places

5. Page 3, line 21.

**Strike:** "TWENTY-FIVE"

**Insert:** "Fifty"

For the House:

Cohenour  
Groesbeck  
Lambert  
A. Olson

For the Senate:

Tropila, Chairman  
Bales  
Gallus

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 348**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 348** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 348** (reference copy -- salmon) be amended as follows:

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1. Page 1.

**Following:** line 28

**Insert:** "(4) A retailer that accepts the return of a keg that does not have an identification tag attached shall obtain the information required in [section 2] on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 45 days from the date of return."

**Renumber:** subsequent subsections

2. Page 2.

**Following:** line 18

**Insert:** "(b) the date of purchase;  
(c) the name of the clerk making the sale;  
(d) the keg identification number required under [section 1]; and"

**Renumber:** subsequent subsection

3. Page 2, line 20.

**Strike:** "5"

**Insert:** "not less than 45"

4. Page 2, line 21.

**Strike:** "OR UNTIL" through "LATER"

5. Page 2, lines 25 through 26.

**Strike:** "IF A" on line 25

**Insert:** "A"

**Strike:** "RECOVERS A KEG" on line 25 through "TAG" on line 26

**Insert:** "may not request information on file about the original purchaser of a keg unless"

**Following:** "16-6-305" on line 26

**Insert:** ", 45-5-623,"

**Following:** "45-5-624(4)"

**Strike:** ". THE"

**Insert:** ". The"

6. Page 2, line 27.

**Strike:** the first "THE"

**Insert:** "any recovered"

**Strike:** "REQUEST"

**Insert:** "verify"

7. Page 2, lines 29 through 30.

**Following:** "PURCHASER" on line 29

**Strike:** ". WITH HALF" on line 29 through "DIVISION" on line 30

For the House:

Buzzas  
Himmelberger

For the Senate:

Williams, Chairman  
Grimes

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Kaufmann  
McKenney

**FREE CONFERENCE COMMITTEE**  
on **House Bill 493**  
Report No. 1, April 13, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 493** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 493** (reference copy -- salmon) be amended as follows:

1. Page 1, lines 17 through 18.

**Following:** "projects" on line 17

**Strike:** "INCLUDING" through "AUTHORITY." on line 17

2. Page 1, line 23.

**Following:** the second "department"

**Insert:** "of commerce"

3. Page 1, line 25.

**Following:** "located,"

**Insert:** "to contract with an airport authority, as defined in 67-1-101, a local port authority, as described in 7-14-1101, or a regional port authority, as described in 7-14-1102,"

4. Page 2, line 4.

**Following:** "COMMERCE"

**Insert:** "after consultation with the architecture and engineering division of the department of administration"

5. Page 3, lines 6 through 7.

**Following:** "project" on line 6

**Strike:** "a report" on line 6 through "firm" on line 7

**Insert:** "a certificate signed by the director of the office of budget and program planning"

6. Page 3, line 9.

**Following:** "preparing the"

**Insert:** "analysis for the"

For the House:

McKenney  
Milburn  
Noonan  
Wilson

For the Senate:

Gallus, Chairman  
Lewis  
Williams

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 139**

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Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 139** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 139** (reference copy -- salmon) be amended as follows:

1. Page 19, line 24.

**Strike:** "PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED"

**Insert:** "by mail or personal service in accordance with Rule 5 of the Montana Rules of Civil Procedure"

2. Page 19, line 25.

**Strike:** "SIGNING OF THE RETURN RECEIPT"

**Insert:** "mailing to the last-known address of the parties and counsel of record"

For the Senate:

Laslovich, Chairman  
Cromley  
Esp

For the House:

Caferro  
Facey  
Morgan  
Stoker

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 4/14/2005

**SB 524**, introduced by Cooney

**SB 525**, introduced by Tester

**House amendments to Senate bills** concurred in: 4/14/2005

**SB 104**, introduced by Gillan

**SB 285**, introduced by Story

**SB 320**, introduced by Bales

**SB 326**, introduced by Laslovich

**SB 328**, introduced by Squires

**SB 380**, introduced by Tester

**SB 406**, introduced by Shockley

**SB 412**, introduced by Cocchiarella

**SB 452**, introduced by Perry

**House bills** concurred in and returned to the House: 4/14/2005

**HB 421**, introduced by Golie

**HB 748**, introduced by Wells

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**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/18/2005

**HB 4**, introduced by Musgrove  
**HB 11**, introduced by McNutt  
**HB 288**, introduced by Noennig  
**HB 435**, introduced by Branae  
**HB 476**, introduced by McAlpin  
**HB 552**, introduced by Caferro  
**HB 720**, introduced by Sinrud

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/18/2005

**HJR 2**, introduced by Waitschies

**SB 287** - The Senate failed to concur in House amendments to **SB 287**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 287**:

4/14/2005

Senator Gillan  
Senator Laible  
Senator Schmidt

**SB 445** - The Senate failed to concur in House amendments to **SB 445**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 445**:

4/14/2005

Senator Gillan  
Senator Mangan  
Senator McGee

**SB 114** - The Senate failed to concur in House amendments to **SB 114**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 114**:

4/14/2005

Senator Cocchiarella  
Senator Grimes  
Senator Tester

**SB 339** - The Senate failed to concur in House amendments to **SB 339**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 339**:

4/14/2005

Senator Joe Balyeat  
Senator Larson  
Senator Tropila

**HB 218** - The Senate failed to concur in House amendments to **HB 218**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 218**:

4/14/2005

Senator Hawks

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Senator Kitzenberg  
Senator Moss

**HB 227** - The Senate failed to concur in House amendments to **HB 227**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 227**:

4/14/2005

Senator Bales  
Senator Elliott  
Senator Harrington

**HB 99** - The Senate failed to concur in House amendments to **HB 99**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 99**:

4/14/2005

Senator Laslovich  
Senator Mangan  
Senator Shockley

**HB 177** - The Senate failed to concur in House amendments to **HB 177**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 177**:

4/14/2005

Senator Ellingson  
Senator Essmann  
Senator Squires

**Conference Committee Report** No.1 2nd Reading adopted:

4/14/2005

**HB 63**, introduced by Villa  
**SB 423**, introduced by Laslovich

**Conference Committee Report** No.1 3rd Reading adopted:

4/14/2005

**SB 81**, introduced by Stapleton

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 524**, introduced by Cooney, referred to Taxation.  
**SB 525**, introduced by Tester, Cooney, Keenan, Ryan, Story, referred to Select Committee on Education.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 407** concurred in as follows:

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Ayes: Andersen, Arntzen, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Wiseman, Witt.  
Total 68

Noes: Balyeat, Barrett, Becker, Bergren, Campbell, Eaton, Everett, Furey, Galvin-Halcro, Golie, Jayne, L. Jones, Klock, Koopman, Lambert, MacLaren, Malcolm, McKenney, Musgrove, A. Olson, B. Olson, Rice, Ripley, Sonju, Villa, Ward, Wilson, Windy Boy, Mr. Speaker.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Butcher, Harris, Stahl.  
Total 3

**SB 489** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 76

Noes: D. Brown, Buzzas, Caferro, Everett, Gallik, Gutsche, Hamilton, L. Jones, Juneau, Kaufmann, Keane, Koopman, Lake, MacLaren, Mendenhall, Milburn, Rice, Ross, Sales, Sinrud, Wanzenried, Ward, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**SB 301** concurred in as follows:

Ayes: Andersen, Becker, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wagman, Waitschies, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

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Total 63

Noes: Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lange, Lindeen, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Parker, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wanzenried, Ward, Warden, Wells, Wiseman.

Total 36

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**SB 428** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 63, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Everett, Franklin, Furey, Glaser, Golie, Groesbeck, Gutsche, Harris, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Arntzen, Balyeat, Bixby, Branae, Cohenour, Dowell, Driscoll, Eaton, Facey, Gallik, Galvin-Halcro, Grinde, Hamilton, Hawk, Heinert, Hiner, Juneau, Morgan, Musgrove, B. Olson, Small-Eastman, Windham.

Total 22



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 453, as amended by the Senate**, passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 62

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Franklin.  
Total 1

**HB 652, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Everett, Galvin-Halcro, A. Olson, Sinrud, Waitschies.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 668, as amended by the Senate**, passed as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, L. Jones, Koopman, Lake, Lambert, Malcolm, McKenney, Mendenhall, Morgan, Ripley, Sonju, Waitschies, Ward.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 681, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Everett, Hawk, Koopman.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 687, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Windham, Wiseman.

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Total 66

Noes: Barrett, Becker, Bergren, Bixby, R. Brown, Campbell, Everett, Galvin-Halcro, Golie, Gutsche, Harris, Hawk, Himmelberger, Jackson, Jayne, L. Jones, Juneau, Klock, Koopman, Lambert, Maedje, McGillvray, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Wagman, Ward, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 696, as amended by the Senate, passed as follows:**

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Andersen, Butcher, Everett, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Malcolm, McKenney, Milburn, A. Olson, Rice, Ross, Sales, Sinrud, Sonju, Waitschies, Warden, Wells.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 701, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: D. Brown, R. Brown, Himmelberger, Jayne, Lake, Lange, McGillvray, Wagman.

Total 8

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 721, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lambert, Rice, Sales, Sinrud, Sonju, Ward, Wells, Witt.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 726, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: Balyeat, D. Brown, R. Brown, Glaser, Himmelberger, Jayne, Sonju, Stahl, Wagman, Wells, Witt.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 732, as amended by the Senate**, passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Barrett, R. Brown, Everett, Hawk, Himmelberger, Rice, Wagman.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 737, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lange, MacLaren, Maedje, Mendenhall, Milburn, Morgan, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 738, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden,

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Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 78

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Jackson, Klock, Koopman, Lake, Lange, MacLaren, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Wells, Witt.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 1, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Koopman, Lake, Lambert, MacLaren, Ripley, Ross, Sales, Sonju, Stahl, Waitschies, Ward, Wells.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 6, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, D. Brown, R. Brown, Everett, Hawk, Jackson, Koopman, Lake, Lange, MacLaren, Rice, Ripley, Roberts, Ross, Sales, Sonju, Warden.  
Total 17

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 7, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Waitschies.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 15, as amended by the Senate**, adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

**HJR 17, as amended by the Senate**, adopted as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 19, as amended by the Senate**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Everett, Gallik, Hendrick, Jackson, Koopman, Milburn, Sales, Sinrud, Wells.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 61, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange,



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Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Hendrick, Koopman, Malcolm, Mendenhall, Sales, Wells.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 68** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Gallik.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 85** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 76

Noes: Balyeat, D. Brown, Driscoll, Everett, Heinert, Himmelberger, Jackson, L. Jones, Koopman, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Witt.

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Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 87** concurred in as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 79

Noes: Andersen, Balyeat, D. Brown, Everett, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, Mendenhall, Morgan, Rice, Sales, Sonju, Stoker, Taylor, Wagman, Witt.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 261** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 292** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Everett, Golie, Hawk, Heinert, Hendrick, Koopman, Lambert, Malcolm, McGillvray, Mendenhall, Rice, Sales, Sinrud, Wanzenried, Wells, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 296** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Bixby, D. Brown, Caferro, Cohenour, Eaton, Gallik, Golie, Hamilton, Harris, Jacobson, Jopek, Juneau, Kaufmann, Malcolm.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 323** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove,

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Total 92

Noes: Bixby, Furey, Gallik, Hamilton, Jayne, Juneau, Kaufmann, Windy Boy.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 340** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Grinde, Groesbeck, Gutsche, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Barrett, D. Brown, R. Brown, Gallik, Galvin-Halcro, Golie, Hamilton, Harris, Hawk, Hendrick, Jackson, Jayne, Juneau, Kaufmann, Keane, Koopman, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Ripley, Sales, Stoker, Wells, Windy Boy.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Excused: None.  
Total 0

Absent or not voting: Campbell.  
Total 1

**SB 499 failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Caferro, Dickenson, Facey, Glaser, Hendrick, Himmelberger, Hiner, Jackson, W. Jones, Kaufmann, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Mr. Speaker.  
Total 42

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Mendenhall, Musgrove, Parker, Peterson, Raser, Sales, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jopek in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 30** - Representative Windham moved **SB 30** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, Jopek, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wells, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Caferro, Clark, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Windy

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Boy, Witt.  
Total 51

Excused: None.  
Total 0

Absent or not voting: Branae, Peterson.  
Total 2

**SB 274** - Representative Milburn moved **SB 274** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Callahan, Koopman, Mendenhall, Noennig, B. Olson.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Sales.  
Total 1

**HJR 25** - Representative Maedje moved **HJR 25** be adopted. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Jackson, Jacobson, Jayne, L. Jones, Juneau, Klock, Lambert, Maedje, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Peterson, Rice, Ripley, Roberts, Stahl, Taylor, Wagman, Witt, Mr. Speaker.  
Total 35

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jent, W. Jones, Jopek, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Milburn, Morgan, B. Olson, Parker, Raser, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 64

Excused: None.  
Total 0

Absent or not voting: R. Brown.

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Total 1

**HJR 26** - Representative Harris moved **HJR 26** be adopted. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Eaton, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved consideration of **HJR 37, HJR 40, HJR 41, SB 319, HB 83** be placed at the bottom of the second reading board. Motion carried.

**HJR 32** - Representative Sesso moved **HJR 32** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Arntzen, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, Lake, Lambert, MacLaren, Malcolm, Mendenhall, B. Olson, Peterson, Rice, Ross, Sales, Waitschies, Wells.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 33** - Representative A. Olson moved **HJR 33** be adopted. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Hawk, Lake, Ross.

Total 3

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**HJR 36** - Representative Ripley moved **HJR 36** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Lake, Ross, Waitschies.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 39** - Representative Gallik moved **HJR 39** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69



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Total 30

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HJR 42** - Representative Jent moved **HJR 42** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Lake, Ross, Stahl.

Total 3

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

**SB 133** - Representative McKenney moved **SB 133** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Balyeat, Barrett, Bixby, R. Brown, Butcher, Buzzas, Caferro, Clark, Franklin, Gutsche, Hawk, Hendrick, Jayne, W. Jones, Juneau, Kaufmann, Koopman, Lake, Lange, McGillvray, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Wagman, Wells, Windy Boy.

Total 29

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved consideration of **SJR 11** and **HB 5** be placed at the bottom of the second reading board. Motion carried.

**SJR 6** - Representative Noonan moved **SJR 6** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Taylor, Wagman, Waitschies, Warden, Wells.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Butcher, Stahl.  
Total 2

**SJR 28** - Representative Becker moved **SJR 28** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**SJR 29** - Representative Villa moved **SJR 29** be concurred in. Motion carried as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, Barrett, R. Brown, Everett, Gutsche, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Kaufmann, Koopman, Lake, Lambert, McGillvray, Milburn, Morgan, Ripley, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 35 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 35** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Arntzen, Barrett, D. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Jayne, W. Jones, Lake, Lambert, MacLaren, Maedje, McGillvray, Morgan, Rice, Sales, Sinrud, Sonju, Wagman, Ward, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jopek moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson,

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Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Balyeat, Barrett, Dowell, Hawk, Hendrick, Koopman, MacLaren, McGillvray, Mendenhall, B. Olson, Rice, Sales, Sinrud, Wagman, Wells.

Total 15

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 4/14/2005

**HJR 44**, be adopted. Report adopted.

**HJR 45**, be adopted. Report adopted.

**SB 415**, be amended as follows:

1. Title, page 1, line 11 through line 12.

**Strike:** "AND" on line 11 through "SUPPLIERS" on line 12

2. Page 1, line 23.

**Strike:** "7"

**Insert:** "8"

3. Page 2, line 6.

**Strike:** "7"

**Insert:** "8"

4. Page 2, line 17.

**Following:** line 16

**Insert:** "(1) Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, and reactive power."

**Renumber:** subsequent subsections

5. Page 2, line 23.

**Following:** "on"

**Strike:** "either"

**Following:** the first "the"

**Strike:** "customer or"

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6. Page 2, line 25 through line 27.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

7. Page 2, line 29.

**Strike:** "7"

**Insert:** "8"

8. Page 3, line 4.

**Following:** "electricity"

**Strike:** "on a real-time basis"

9. Page 3, line 9 through line 10.

**Following:** "project"

**Strike:** "with" on line 9 through "project" on line 10

10. Page 3, line 17.

**Following:** ";

**Insert:** "and"

11. Page 3, line 19 through line 21.

**Strike:** "; and" on line 19 through "Montana" on line 21

12. Page 4, line 13.

**Following:** "(11)"

**Insert:** "and [section 7]"

13. Page 4, line 14.

**Strike:** "and competitive electricity suppliers"

14. Page 4, line 16.

**Strike:** "and competitive electricity supplier"

15. Page 4, line 19.

**Strike:** "and competitive electricity supplier"

16. Page 4, line 27.

**Strike:** "and competitive electricity supplier"

17. Page 5, line 20.

**Strike:** "or competitive electricity supplier"

18. Page 5, line 21.

**Strike:** "or competitive electricity supplier's"

19. Page 5, line 25.

**Strike:** "or a competitive electricity supplier"

20. Page 5, line 27 through line 28.

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**Strike:** "or competitive electricity supplier"

21. Page 6, line 4.

Strike: "or competitive electricity supplier"

22. Page 6, line 5.

Strike: "or competitive electricity supplier's"

23. Page 6, line 8.

**Strike:** "or competitive electricity supplier's"

24. Page 6, line 10.

Strike: "7"

Insert: "8"

Strike: "or a competitive electricity supplier"

25. Page 6, line 12.

**Strike:** "or competitive electricity supplier"

26. Page 6, line 13.

Strike: "or competitive electricity supplier"

27. Page 6, line 16 through line 17.

**Strike:** "or competitive electricity supplier"

28. Page 6, line 18.

Strike: "or competitive electricity supplier"

29. Page 6, line 19.

Strike: "\$20"

Insert: "\$10"

Strike: "or competitive electricity supplier"

30. Page 6, line 21.

**Strike:** "general fund"

**Insert:** "universal low-income energy assistance fund established in 69-8-412(1)(a)"

31. Page 6, line 22.

Strike: "or competitive electricity supplier"

32. Page 6, line 25.

Strike: "or competitive electricity supplier"

33. Page 6, line 26 through line 27.

**Following:** "but"

**Strike:** "that" on line 26 through "supplier," on line 27

34. Page 6, lines 27 and 28.

**Following:** "achieved"

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Strike: "AT" on line 27 through "[SECTION 6(2)]" on line 28

**Insert:** "either because renewable energy credits cannot be procured or for other legitimate reasons that are outside the control of the public utility"

35. Page 6, line 30 through page 7, line 1.

**Strike:** "or competitive electricity supplier"

36. Page 7, line 4.

**Strike:** "7"

**Insert:** "8"

**Strike:** "and a competitive electricity supplier"

37. Page 7, line 5.

**Strike:** "or competitive electricity supplier"

38. Page 7, line 10.

**Strike:** "or a competitive electricity supplier"

39. Page 7, line 13.

**Following:** "(3)"

**Insert:** "(a)"

40. Page 7.

**Following:** line 16

**Insert:** "(b) Contracts signed for projects located in Montana must require all contractors to pay the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), during the construction phase of the project."

41. Page 7, line 17.

**Strike:** "7"

**Insert:** "8"

42. Page 7, line 20.

**Strike:** "7"

**Insert:** "8"

43. Page 7, line 23.

**Strike:** "and a competitive electricity supplier"

44. Page 7, line 30.

**Strike:** "and a competitive electricity supplier"

45. Page 8, line 1.

**Strike:** "7"

**Insert:** "8"

46. Page 8, line 5.

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**Strike:** "7"  
**Insert:** "8"

47. Page 8, line 7.  
**Strike:** "7"  
**Insert:** "8"

48. Page 8, line 9.  
**Strike:** "7"  
**Insert:** "8"

49. Page 8, line 10.  
**Strike:** subsection (d) in its entirety  
**Renumber:** subsequent subsections

50. Page 8, line 14.  
**Strike:** "7"  
**Insert:** "8"

51. Page 8, line 15.  
**Insert:** "NEW SECTION. Section 7. Cost caps. (1) A public utility that has restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the eligible renewable resource has demonstrated through a competitive bidding process that the total cost of electricity from that eligible resource, including the associated cost of ancillary services necessary to manage the transmission grid and firm the resource, is less than or equal to bids for the equivalent quantity of power over the equivalent contract term from other electricity suppliers.  
(2) A public utility that has not restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the cost per kilowatt hour of the generation from the renewable resource does not exceed by more than 15% the cost of power from any other alternate generating resource available to the public utility."  
**Renumber:** subsequent sections

52. Page 8, line 30.  
**Strike:** "7"  
**Insert:** "8"

53. Page 9, line 1.  
**Strike:** "7"  
**Insert:** "8"

And, as amended, be concurred in. Report adopted.

**SJR 31**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on House Bill 115**



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Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 115** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 115** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

**Insert:** "LIMITING THE ACREAGE OF PROPERTY THAT IS TAX-EXEMPT FOR CHURCHES AND PARSONAGES;"

**Following:** "CLERGY";

**Insert:** "LIMITING THE ACREAGE EXEMPTION FOR EDUCATIONAL PROPERTY AND REQUIRING AN ATTENDANCE POLICY, CURRICULUM, AND INSTRUCTION; PROVIDING THAT UP TO 15 ACRES OF PROPERTY PURCHASED FOR CHARITABLE USE IS EXEMPT AT THE TIME OF PURCHASE; PROVIDING THAT IF EXEMPT PROPERTY IS NOT USED FOR A CHARITABLE PURPOSE WITHIN 8 YEARS OR IS SOLD, THEN LOST TAX REVENUE MUST BE REPAYED; PROVIDING THAT THE REPAYMENT AMOUNT IS A LIEN UPON THE PROPERTY;"

2. Title, page 1, line 18.

**Following:** "AN"

**Insert:** "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

3. Page 5, line 30.

**Following:** "~~clergy~~;"

**Insert:** " not to exceed one residence for each member of the clergy,"

4. Page 6, line 3 through line 4.

**Insert:** "but may not exceed 15 acres for a church or 1 acre for a clergy residence after subtracting any area required by zoning, building codes, or subdivision requirements"

5. Page 6, line 7.

**Following:** "~~acres~~;"

**Insert:** "not to exceed 80 acres,"

6. Page 6, line 10.

**Following:** "~~which~~;"

**Insert:** "which:"

7. Page 6, line 11.

**Following:** "~~it~~"

**Insert:** "(i)"

**Strike:** "~~THAT~~"

8. Page 6.

**Following:** line 13

**Insert:** "(ii) has an attendance policy; and  
(iii) has a definable curriculum with systematic instruction;"

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9. Page 11.

**Following:** line 8

**Insert:** "(iii) up to 15 acres of property owned by a purely public charity is exempt at the time of its purchase even if the property must be improved before it can directly be used for its intended charitable purpose. If the property is not directly used for the charitable purpose within 8 years of receiving an exemption under this section or if the property is sold or transferred before it entered direct charitable use, the exemption is revoked and the property is taxable. In addition to taxes due for the first year that the property becomes taxable, the owner of the property shall pay an amount equal to the amount of the tax due that year times the number of years that the property was tax-exempt under this section. The amount due is a lien upon the property and when collected must be distributed by the treasurer to funds and accounts in the same ratio as property tax collected on the property is distributed. At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice must indicate that an exemption pursuant to this section has been granted. The notice must describe the penalty for default under this section and must specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department."

10. Page 21, line 24.

**Insert:** "NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval."

**Renumber:** subsequent section

11. Page 21, line 25.

**Strike:** "Applicability"

**Insert:** "Retroactive applicability"

**Strike:** "to tax years beginning"

**Insert:** "retroactively, within the meaning of 1-2-109, to property tax exemption applications made"

12. Page 21, line 26.

**Strike:** "2005"

**Insert:** "2004"

For the House:

Branae  
Groesbeck  
McNutt  
Warden

For the Senate:

Toole, Chairman  
Essmann  
Gillan

**FREE CONFERENCE COMMITTEE**  
on **House Bill 361**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 361** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 361** (reference copy -- salmon) be amended as follows:

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1. Page 4, line 13.

**Strike:** "Except" on line 13 through "the"

**Insert:** "The"

2. Page 4, line 14.

**Strike:** "fees or"

3. Page 5, line 7.

**Strike:** "AND"

4. Page 5, line 8.

**Following:** "(F)"

**Insert:** "except as provided in subsection (1)(g),"

5. Page 5.

**Following:** line 15

(g) beginning January 1, 2011, assess an annual fee on the federal government or its agencies, the state of Montana, counties, cities, or towns if they are the operators of a permitted opencut mining operation. The annual fee must be paid on all permitted acreage. The annual fee is:

- (i) \$75 if the permitted acreage is less than or equal to 25 acres;
- (ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;
- (iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and
- (iv) \$600 if the permitted acreage is greater than 100 acres."

6. Page 9, line 23.

**Following:** "2006"

**Insert:** ", to be deposited in the state special revenue fund and used to pay the costs of administering this part"

7. Page 19, line 16.

**Strike:** "[THIS ACT]"

**Insert:** "Section 82-4-432(2)(b)"

**Strike:** "June 30"

**Insert:** "December 31"

For the House:

Gallik  
Hamilton  
Peterson

For the Senate:

Harrington, Chairman  
Gebhardt  
Toole

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 367**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 367** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **House Bill 367** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 10.

**Following:** "RECORD;" on line 7

**Strike:** "PROVIDING THAT AN APPEAL FROM A JUSTICE'S COURT OF RECORD TO THE DISTRICT COURT IS ON THE RECORD AND NOT DE NOVO ONLY IF ALL THE PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD."

2. Page 5, line 19 through line 20.

**Following:** "3-10-115" on line 19

**Strike:** "IF ALL PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD"

For the House:

Driscoll  
Lange  
Parker  
Rice

For the Senate:

Mangan, Chairman  
Cromley  
Perry

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 461**  
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 461** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 461** (reference copy -- salmon) be rejected by the Senate.

For the Senate:

Roush, Chairman  
Steinbeisser  
Tash

For the House:

Clark  
Golie  
Malcolm

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews started the House will stand at ease until 3:30 p.m.

House reconvened at 3:35 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Jopek in the chair.

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Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 235** - Representative Lange moved consideration of **HB 235** be placed at the top of the second reading board. Motion carried.

**HB 235 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 235** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 96

Noes: Jayne, Juneau.

Total 2

Excused: None.

Total 0

Absent or not voting: Becker, Wiseman.

Total 2

**HB 102 - Senate Amendments** - Representative Lenhart moved Senate amendments to **HB 102** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Sales, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 186 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 186** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 61

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Hawk, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 39

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 707 - Senate Amendments** - Representative Groesbeck moved Senate amendments to **HB 707** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: R. Brown, Glaser, Himmelberger, Jayne, McGillvray, Sales, Wagman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 782 - Senate Amendments** - Representative McNutt moved Senate amendments to **HB 782** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey,

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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: L. Jones, Milburn.

Total 2

**SB 81 - Conference Committee Report No. 1** - Representative Andersen moved the Conference Committee report to **SB 81** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Facey, Koopman, Ripley, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 278 - Conference Committee Report No. 1** - Representative Keane moved the Conference Committee report to **SB 278** be adopted. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy

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Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Andersen, Hawk, Heinert, Lake, Mendenhall, B. Olson, Sales, Taylor, Wagman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 423 - Conference Committee Report No. 1** - Representative Harris moved the Conference Committee report to **SB 423**, be adopted. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Caferro, Jayne, Koopman, Lambert, A. Olson, B. Olson, Rice, Sales, Ward.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**SB 293** - Representative Bergren moved consideration of **SB 293** be placed at the bottom of the second reading board. Motion carried.

**HB 704 - Senate Amendments** - Representative Windy Boy moved Senate amendments to **HB 704** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96



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Noes: Koopman, Sales, Sinrud, Wells.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 37** - Representative Kaufmann moved **HJR 37** be adopted. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 40** - Representative Harris moved **HJR 40** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, Jopek, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Butcher, Caferro, Everett, Hawk, Jent, W. Jones, Juneau, Kaufmann, Keane, Lake, Malcolm, McGillvray, Musgrove, B. Olson, Ross, Wagman, Waitschies, Ward.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Galvin-Halcro, Jayne.

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Total 2

**HJR 41** - Representative Campbell moved **HJR 41** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Barrett, Everett, Hawk, Lake, Malcolm, Ross, Sales.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 319** - Representative Jent moved **SB 319** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 83 - Senate Amendments** - Representative Campbell moved Senate amendments to **HB 83** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Everett, Hawk, Heinert, Jackson, Koopman, McGillvray, Mendenhall, Ripley, Sales, Wagman, Wells.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Bergren assumed the Chair.

**SJR 11** - Representative Jopek moved **SJR 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Arntzen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells, Witt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Barrett.  
Total 1

Rep. Jopek assumed the Chair.

**HB 5 - Senate Amendments** - Representative Wells moved Senate amendments to **HB 5** be **not** concurred in. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley,

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Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 293** - Representative Bergren moved **SB 293** be concurred in.

**SB 293** - Representative Bergren moved **SB 293**, second reading copy, be amended as follows:

1. Page 2, line 9.

**Strike:** "55"

**Insert:** "40"

2. Page 2, line 17.

**Strike:** "55"

**Insert:** "40"

3. Page 2, line 27.

**Strike:** "55"

**Insert:** "40"

4. Page 2, line 28.

**Strike:** "30"

**Insert:** "20"

5. Page 3, line 4 through line 6.

**Strike:** "A gasoline" on line 4 through "engines." on line 6

6. Page 22, line 5.

**Strike:** "55-MILLION-GALLON"

**Insert:** "40-million-gallon"

7. Page 22, line 6.

**Strike:** "30"

**Insert:** "20"

8. Page 22, line 11.

**Strike:** "30"

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**Insert:** "20"

9. Page 22, line 12.

**Strike:** "55"

**Insert:** "40"

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 293** - Representative Bergren moved **SB 293**, second reading copy, be further amended as follows:

1. Page 3, line 7.

**Strike:** "MAY"

**Insert:** "shall"

Amendment adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Arntzen, Hawk, Lake, Malcolm, Sales.

Total 5

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**SB 293** - Representative Bergren moved **SB 293**, as amended, be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jopek moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**MOTIONS**

Rep. Hendrick moved the House reconsider its action on April 14, 2005, on **SB 499** for the purpose of placing the bill back on 3rd Reading. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Driscoll, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 77

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Dowell, Eaton, Everett, Galvin-Halcro, Golie, Hawk, L. Jones, Juneau, Klock, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, Small-Eastman, Stoker, Windy Boy.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 606**. Motion carried.

The Speaker appointed the following members:

Representative Gutsche  
Representative Jopek  
Representative Peterson  
Representative Ross

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 107**. Motion carried.

The Speaker appointed the following members:

Representative Peterson  
Representative Waitschies  
Representative Jopek  
Representative Gutsche

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee

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to confer on House amendments to **SB 339**. Motion carried.

The Speaker appointed the following members:

Representative Milburn  
Representative Klock  
Representative Jent  
Representative Noennig

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 445**. Motion carried.

The Speaker appointed the following members:

Representative Anderson  
Representative Ward  
Representative Galvin-Halcro  
Representative Villa

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **HB 46**. Motion carried.

The Speaker appointed the following members:

Representative Everett  
Representative Koopman  
Representative Parker  
Representative Wilson

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 287**. Motion carried.

The Speaker appointed the following members:

Representative Witt  
Representative Olson  
Representative Parker  
Representative Wilson

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 114**. Motion carried.

The Speaker appointed the following members:

Representative McKenney  
Representative Sonju.  
  
Representative Parker  
Representative Harris



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Dem. Floor Leader Parker moved the House suspend the rules to hear **SB 274** and **SB 499** on 3rd Reading today. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 274** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Balyeat, Koopman, Mendenhall, Noennig, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**SB 499** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 73

Noes: Becker, Bergren, Buzzas, Callahan, Driscoll, Eaton, Everett, Franklin, Galvin-Halcro, Golie, Hawk, Henry, L. Jones, Koopman, Lambert, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, Sales, Sinrud, Small-Eastman, Stoker, Windy Boy, Wiseman.

Total 26

Excused: None.

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Total 0

Absent or not voting: Taylor.

Total 1

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Waitschies, Chairman):

4/14/2005

**SB 213**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "ALLOWING" on line 6 through "MATERIAL;" on line 7

**Strike:** "SECTION 15-32-604, MCA."

2. Page 1, line 14 through line 22.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 1, line 25.

**Strike:** "2010"

**Insert:** "2011"

4. Page 1, line 29.

**Strike:** "2010"

**Insert:** "2011"

5. Page 2, line 2.

**Strike:** "2010"

**Insert:** "2011"

6. Page 2, line 10.

**Strike:** "2010"

**Insert:** "2011"

7. Page 2, line 17.

**Strike:** "2010"

**Insert:** "2011"

8. Page 2, line 21.

**Strike:** "2010"

**Insert:** "2011"

9. Page 2, line 26.

**Strike:** "2010"

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**Insert:** "2011"

10. Page 3, line 4.

**Strike:** "2010"

**Insert:** "2011"

And, as amended, be concurred in. Report adopted.

**SB 271**, be concurred in. Report adopted.

**SB 276**, be concurred in. Report adopted.

**SB 345**, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "AUTHORIZING" on line 5 through "HEARING;" on line 6

2. Title, page 1, line 11.

**Strike:** "COUNTY"

**Following:** "LIEN;"

**Strike:** "AND"

**Strike:** "7-15-4263,"

3. Title, page 1, line 13.

**Following:** "~~DATE~~"

**Insert:** "; AND AN EFFECTIVE DATE"

4. Page 1, line 17 through page 3, line 2.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 3, line 27 through line 28.

**Strike:** subsection (c) in its entirety

6. Page 4, line 15.

**Strike:** "or its agents"

7. Page 4, line 19.

**Strike:** "OR ITS AGENTS"

8. Page 8, line 24.

**Following:** "BETWEEN"

**Insert:** "the property taxes that would have been imposed on the property based on"

**Following:** "MINIMUM VALUE"

**Insert:** "of the property"

**Following:** "AND"

**Insert:** "the property taxes that are imposed on the property based on"

9. Page 9, line 1.

**Strike:** "6"

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**Insert:** "5"

10. Page 9, line 19.

**Strike:** "COUNTY TAX"

**Insert:** "Tax"

11. Page 9, line 20.

**Strike:** "5"

**Insert:** "4"

12. Page 9, line 24.

**Strike:** "5"

**Insert:** "4"

13. Page 9, line 26.

**Strike:** "5"

**Insert:** "4"

14. Page 9, line 27.

**Strike:** "6"

**Insert:** "5"

15. Page 9, line 28.

**Strike:** "6"

**Insert:** "5"

16. Page 9.

**Following:** line 30

**Insert:** "NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2005."

And, as amended, be concurred in. Report adopted.

**SB 516**, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "REQUIRING" on line 5 through "OFFICE;" on line 6

2. Title, page 1, line 10.

**Strike:** "CERTAIN"

**Following:** "OWN"

**Insert:** "INDUSTRIAL"

3. Title, page 1, line 10 through line 11.

**Strike:** "IN MORE" on line 10 through "COUNTY" on line 11

4. Title, page 1, line 12.

**Following:** "HEARING"

**Insert:** "ON CERTAIN PROPERTY TAX APPEALS"

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5. Title, page 1, line 18.

**Strike:** "REVISING" through "ADJUDICATION;"

6. Title, page 1, line 19.

**Strike:** "15-2-304"

**Insert:** "15-15-101"

7. Page 1, line 29.

**Strike:** ", except as provided in 15-2-302(1)(b)"

8. Page 2, line 3.

**Following:** "23"

**Insert:** "and, for the purposes of subsection (7), to property classified as industrial property by the department"

9. Page 2, line 12.

**Strike:** "30"

**Insert:** "180"

10. Page 3, line 24.

**Insert:** "(7) The department and the owner of centrally assessed property or industrial property shall enter into mediation regarding any dispute with the department. Mediation of the dispute may not exceed 60 days. If the dispute is not resolved within 60 days, the department shall issue its final decision."

11. Page 8, line 29 through line 30.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) property that has been classified as industrial property by the department;"

12. Page 9, line 20.

**Following:** the first "(4)"

**Insert:** "["

**Following:** "(4)(b)"

**Insert:** "]"

13. Page 9.

**Following:** line 21

**Insert:** "["

14. Page 9, line 22.

**Following:** "(4)(b)(ii)"

**Insert:** "]"

15. Page 10, line 1.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(5)(b)"

**Insert:** "and (5)(c)"

16. Page 10.

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**Following:** line 13

**Insert:** "(c) This subsection (5) applies only to appeals filed by owners of centrally assessed property and owners of property described in subsection (1)(b)."

17. Page 10, line 19 through page 11, line 12.

**Strike:** section 5 in its entirety

**Insert:** "**Section 5.** Section 15-15-101, MCA, is amended to read:

**"15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a three-member county tax appeal board, with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. The members receive compensation of \$45 a day and travel expenses, as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the state tax appeal board. Travel expenses and compensation must be paid from the appropriation to the state tax appeal board. Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the state tax appeal board.

(2) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. It shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and, as provided in 15-2-201, may meet after December 31.

(3) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(4) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406.

(5) This chapter does not apply to centrally assessed property or to property that has been classified as industrial property by the department."

**Insert:** "COORDINATION SECTION. **Section 6. Coordination instruction.** If House Bill No. 158 is passed and approved, the bracketed language in 15-2-302(4)(a) of [this act] is void."

**Renumber:** subsequent sections

18. Page 11, line 16 through line 17.

**Strike:** "and" on line 16 through "occurring" on line 17

**Insert:** "filed"

And, as amended, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 9:00 a.m., Friday, April 15, 2005. Motion carried.

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House adjourned at 6:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 15, 2005

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. MacLaren. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews and the House thanked the pages for the week.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 9:35 a.m.

House reconvened at 9:38 a.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/15/2005

Correctly printed: **HJR 26, HJR 32, HJR 33, HJR 36, HJR 39, HJR 40, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**

Correctly engrossed: **HB 805, HB 806.**

Correctly enrolled: **HB 536, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**

Examined by the sponsor and found to be correct: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 377, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 530, HB 536, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**

**STATE ADMINISTRATION** (Jent, Chairman):

4/15/2005

**SJR 14**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):

4/15/2005

**SB 75**, be concurred in. Report adopted.

**SB 524**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate joint resolutions** passed and transmitted to the House for concurrence:

4/15/2005

**SJR 38**, introduced by Cocchiarella

**SJR 40**, introduced by Schmidt

**House bills** concurred in and returned to the House:

4/15/2005

**HB 327**, introduced by Groesbeck

**HB 374**, introduced by Harris

**HB 414**, introduced by D. Brown

**HB 512**, introduced by Witt



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**HB 745**, introduced by Matthews

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/15/2005

**HB 386**, introduced by Sinrud

**HB 423**, introduced by Stahl

**HB 484**, introduced by L. Jones

**HB 531**, introduced by Franklin

**HB 577**, introduced by McAlpin

**HB 742**, introduced by Buzzas

**HB 757**, introduced by L. Jones

**HB 769**, introduced by Golie

**HB 790**, introduced by Peterson

**SB 287** - The Senate dissolved the Conference Committee on **SB 287** and authorized the President to appoint the following **Free** Conference Committee:

4/15/2005

Senator Gillan

Senator Laible

Senator Schmidt

**HB 540** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee:

4/15/2005

Senator Gallus

Senator Kitzenberg

Senator Tropila

**HB 625** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee:

4/15/2005

Senator Barkus

Senator Harrington

Senator Toole

**HB 2** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee:

4/15/2005

Senator Cobb

Senator Cooney

Senator Tester

**Conference Committee Report No. 1** on 3rd Reading adopted:

4/15/2005

**SB 423**, introduced by Laslovich

**SB 507**, introduced by Brueggeman

**HB 63**, introduced by Villa

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 38**, introduced by Cocchiarella, Joe Balyeat, Grimes, Laslovich, Lewis, Roush, Squires, Steinbeisser, Tash, Tropila, referred to Business and Labor.

**SJR 40**, introduced by Schmidt, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sonju in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 43** - Representative Peterson moved **HJR 43** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Juneau, Musgrove.

Total 2

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 115** - Representative Peterson moved **SB 115** be concurred in.

**SB 115** - Representative Keane moved **SB 115**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "FACILITIES";

**Insert:** "PROVIDING THAT A FACILITY IS NOT ELIGIBLE TO BE CLASSIFIED AS CLASS FOURTEEN PROPERTY UNLESS THE FACILITY PAID THE STANDARD PREVAILING RATE OF WAGES FOR HEAVY CONSTRUCTION DURING THE CONSTRUCTION PHASE;"

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2. Page 1, line 30.

**Following:** "facilities"

**Insert:** ":

(a) at which the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), was not paid during the construction phase; or

(b)"

Amendment adopted as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 65

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 115** - Representative Peterson moved **SB 115**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Barrett, R. Brown, Hawk, Juneau, Koopman, Malcolm, McGillvray, Ripley, Sales, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 442** - Representative Ross moved **SB 442** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 511** - Representative Wiseman moved **SB 511** be concurred in.

**SB 511** - Representative Wiseman moved **SB 511**, second reading copy, be amended as follows:

1. Page 9, line 16.

**Following:** "(j)"

**Insert:** "50% of the"

2. Page 9, line 17.

**Following:** "years."

**Insert:** "The deduction allowed under this subsection (1)(j) may not exceed \$10 million."

3. Page 12, line 22.

**Following:** "(i)"

**Insert:** "50% of the"

4. Page 12, line 24.

**Following:** "YEARS."

**Insert:** "The deduction allowed under this subsection (1)(i) may not exceed \$10 million."

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 511** - Representative Wiseman moved **SB 511**, as amended, be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Caferro, Cohenour, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Kaufmann, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Milburn, Rice, Ripley, Sales, Sinrud, Taylor, Wagman, Ward, Wells, Witt.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 48** - Representative Wanzenried moved consideration of **SB 48** be placed below **SB 271** on the second reading board. Motion carried.

**SJR 20** - Representative Raser moved **SJR 20** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Bergren, Caferro, Clark, Dickenson, Gallik, Gutsche, Harris, Jopek, Kaufmann, Parker.

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Total 10

Excused: None.

Total 0

Absent or not voting: B. Olson.

Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Gallik, Hawk, Hendrick, Kaufmann, Koopman, Peterson, Sales, Sinrud.

Total 8

Excused: None.

Total 0

Absent or not voting: Himmelberger, Klock, Lake, Lambert, B. Olson, Ross, Sonju, Taylor, Ward.

Total 9

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 11:10 a.m.

House reconvened at 11:14 a.m.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Rice, Chairman):

4/15/2005

**HB 805**, introduced bill, be amended as follows:

1. Page 1, line 29 through page 2, line 1.

**Strike:** subsection (3) in its entirety

2. Page 2, line 6.

**Following:** "legislative"

**Insert:** "representative"

3. Page 2, line 8.

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**Following:** "legislative"

**Insert:** "representative"

And, as amended, do pass. Report adopted.

**HB 806**, introduced bill, be amended as follows:

1. Page 1, line 17 through line 19.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

2. Page 1, line 28.

**Following:** "legislative"

**Insert:** "representative"

3. Page 2, line 9.

**Following:** "legislative"

**Insert:** "representative"

4. Page 2, line 11.

**Following:** "legislative"

**Insert:** "representative"

And, as amended, do pass. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 175**  
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 175** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 175** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Cromley, Chairman

Esp

Moss

For the House:

Jopek

Maedje

McAlpin

Noennig

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Sonju in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 75** - Representative Lambert moved **SB 75** be concurred in.

Rep. Waitschies rose to a point of personal privilege regarding Rep. Wiseman's comments.

Rep. Lange asked for a ruling from the Chair. Chairman Sonju stated the House will stand at ease for a few minutes.

House reconvened.

Rep. Wiseman apologized for his statement.

Rep. Lange withdrew his motion.

**SB 75** - Motion to concur carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Wells, Witt.

Total 39

Excused: None.

Total 0

Absent or not voting: Mendenhall.

Total 1

**SB 345** - Representative Facey moved consideration of **SB 345** be placed at the bottom of the second reading board. Motion carried.

**SB 524** - Representative Cohenour moved **SB 524** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey,



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Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Sales.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 213** - Representative Facey moved **SB 213** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wells.

Total 1

**SB 271** - Representative Lake moved **SB 271** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

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Noes: R. Brown, Everett, Hawk, Himmelberger, Koopman, Lange, McGillvray, Mendenhall, Morgan, Sales.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 48** - Representative Branae moved **SB 48** be concurred in.

**SB 48** - Representative Waitschies moved **SB 48**, second reading copy, be amended.

Dem. Leader Wanzenried rose for a ruling of the Chair whether the amendment fit within the scope of the title of the bill.

Chairman Sonju ruled that it did.

Dem. Leader Wanzenried challenged the ruling of the Chair.

Chairman Sonju stated the House will stand at ease.

House resumed.

Rep. Waitschies rose to state the ruling states that the amendment does not fit within the title and he withdrew his amendment motion.

**SB 48** - Representative Mendenhall moved for cloture. Motion **failed** on a 2/3 vote as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Juneau, B. Olson.  
Total 2

**SB 48** - Representative Bergren moved for cloture. Motion carried on a voice vote.

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**SB 48** - Motion to concur carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Rice, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on House Bill 99**

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Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 99** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 99** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29.

**Following:** "~~OF~~"

**Strike:** "NOT TO EXCEED"

**Insert:** "of not less than 2 days or more than"

2. Page 1, line 30.

**Following:** "both"

**Insert:** ", and in addition, the court may order the person to perform up to 40 hours of community service"

For the House:

Driscoll  
Lange  
Parker  
Taylor

For the Senate:

Mangan, Chairman  
Laslovich  
Shockley

House stood at ease for a few minutes.

House reconvened at 12:55 p.m.

Heritage Christian School in Bozeman provided entertainment for the House.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Sonju in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 276** - Representative Lambert moved **SB 276** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 85

Noes: Bixby, Caferro, Callahan, Dowell, Galvin-Halcro, Gutsche, Harris, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Parker.

Total 14

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**SB 415** - Representative Groesbeck moved **SB 415** be concurred in.

**SB 415** - Representative Keane moved for cloture. Motion carried on voice vote.

**SB 415** - Motion to concur carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Sgt.-of- Arms Clark escorted the Blood Drop through the House. The Blood Drop will be here for the Blood Drive being held in the Rotunda today.

**SB 516** - Representative Peterson moved **SB 516** be concurred in.

**SB 516** - Representative McAlpin moved **SB 516**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried,

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Wilson, Windham, Windy Boy, Wiseman.  
Total 42

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 516** - Representative Peterson's motion to concur carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Clark, Dickenson, Dowell, Driscoll, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Bixby, Buzzas, Caferro, Callahan, Campbell, Cohenour, Eaton, Facey, Furey, Gallik, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Koopman, McAlpin, Musgrove, Sinrud, Villa, Wanzenried.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 5 - Senate Amendments** - Representative Peterson moved Senate amendments to **HB 5** be **not** concurred in. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr.

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Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 2 - Senate Amendments** - Representative Waitschies moved Senate amendments to **HJR 2** be **not** concurred in. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 345** - Representative Facey moved **SB 345** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 56

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 75

Noes: Butcher, Everett, Hamilton, Hawk, Heinert, Hendrick, W. Jones, Juneau, Koopman, Lake, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Parker, Ross, Sales, Sinrud, Ward, Wells.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Himmelberger, Small-Eastman, Sonju, Wilson.  
Total 4

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 3:15 p.m.

House reconvened at 3:22 p.m.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 177**  
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:  
We, your Free Conference Committee met and considered **House Bill 177** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 177** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 14.

**Strike:** "PROVIDING THAT QUESTIONABLE VOTES ARE NOT VALID VOTES;"

2. Title, page 1, line 15.

**Following:** "BALLOTS;"



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**Insert:** "CLARIFYING PROCEDURES FOR COUNTING VOTES WHENEVER A VOTING SYSTEM ERROR IS SUSPECTED DURING A VOTE COUNT; CLARIFYING COUNT AND RECOUNT PROCEDURES FOR PAPER AND NONPAPER BALLOTS;"

3. Title, page 1, line 18.

**Strike:** "13-1-101,"

4. Title, page 1, line 20.

**Following:** "~~13-16-414~~,"

**Insert:** "13-16-412,"

**Following:** "13-16-414,"

**Insert:** "13-17-211,"

5. Page 1, line 24 through page 5, line 18.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. Section 1. Handling voting system error during count. (1) During a count of paper or nonpaper ballots in which votes are being automatically tabulated by a voting system, if the election administrator or counting board has reason to believe that the voting system is not operating correctly, the count must be halted and the system must be tested in accordance with rules adopted by the secretary of state pursuant to 13-17-211.

(2) If the test does not show any errors, the count must proceed using the voting system.

(3) If the test shows errors and the errors cannot be corrected or if a majority of the counting board agrees that the system may not be functioning correctly:

(a) votes cast on paper ballots must be counted manually in accordance with 13-15-206(2);

(b) votes cast on a nonpaper ballot must be counted as provided in rules adopted under 13-17-211."

6. Page 8, line 18.

**Following:** "13-15-206"

**Strike:** "(4)"

**Insert:** "(5)"

11, line 17.

**Following:** "13-15-206"

**Strike:** "(4)"

**Insert:** "(5)"

7. Page 15, line 15.

**Following:** "13-15-206"

**Strike:** "(4)"

**Insert:** "(5)"

8. Page 15, line 27.

**Following:** "count"

**Insert:** "or recount"

9. Page 15, line 30.

**Strike:** "(6)"

**Insert:** "(7)"

10. Page 16, line 1.

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**Following:** "instructions,"

**Insert:** "the vote must be considered questionable and"

11. Page 16, line 1 through line 2.

**Strike:** "VOTE" on line 1 through "COUNTED" on line 2

**Insert:** "entire ballot must be set aside and votes on the ballot must be handled as provided in subsection (4)"

12. Page 16, line 12.

**Strike:** "Except as provided in subsection (3)(b)"

**Insert:** "When a voting system is tabulating a vote cast on a nonpaper ballot"

13. Page 16, line 16.

**Strike:** "DETERMINED BY THE SYSTEM TO BE AN OVERVOTE OR UNDERVOTE"

**Insert:** "not recognized and counted by the system"

14. Page 16, line 17.

**Strike:** "(6)"

**Insert:** "(7)"

15. Page 16, line 20.

**Following:** "~~(4)~~."

**Insert:** "When a voting system is tabulating a vote cast on a paper ballot:

(i) if the voting system recognizes and counts the vote, it is a valid vote;

(ii) if the voting system cannot process the ballot because of the ballot's condition or if the voting system registers an overvote or undervote, which must be considered a questionable vote, the entire ballot must be set aside and the votes on the ballot must be counted as provided in subsection (4)."

16. Page 16, line 21.

**Following:** "~~(ii)~~"

**Insert:** "(c)"

**Following:** "determines"

**Insert:** "or counting board"

17. Page 16, line 22.

**Strike:** "13-16-414"

**Insert:** "[section 1]"

18. Page 16, line 23.

**Strike:** "(c)"

**Insert:** "(d)"

**Following:** "and"

**Insert:** "subsection (4) and"

19. Page 17.

**Following:** line 4

**Insert:** "(4) (a) (i) Before being counted, each questionable vote on a paper ballot set aside under subsection (2)(a) or (3)(b) must be reviewed by the counting board. The counting board shall evaluate each questionable vote according to rules adopted by the secretary of state."

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(ii) If a majority of the counting board members agree that under the rules the voter's intent can be clearly determined, the vote is valid and must be counted according to the voter's intent.

(iii) If a majority of the counting board members do not agree that the voter's intent can be clearly determined under the rules, the vote is not valid and may not be counted.

(b) If a ballot was set aside under subsection (3)(b) because it could not be processed by the voting system due to the ballot's condition, the counting board shall transfer all valid votes to a new ballot that can be processed by the voting system."

**Renumber:** subsequent subsections

20. Page 18.

**Following:** line 29

**Insert:** "Section 18. Section 13-16-412, MCA, is amended to read:

**"13-16-412. Procedure for recounting paper ballots.** (†) To conduct a recount of paper ballots:

~~(a)~~(1) the election administrator shall provide to the recount board, unopened, each sealed package or envelope received from the election judges of the precinct or precincts in which a recount is ordered, containing all the paper ballots voted in the precinct or precincts;

~~(b)~~(2) a member of the recount board shall open each sealed package or envelope and remove the ballots, and the board shall count the votes on each ballot manually in the manner provided in 13-15-206(2); and

~~(c)~~(3) the recount must be tallied on previously prepared tally sheets. The tally sheets must show the names of the respective candidates, the office or offices for which a recount is made, and the number of each election precinct.

~~————(2) To prepare for a recount of ballots cast using a nonpaper-based voting system, the election administrator and election judges shall proceed as provided in rules adopted pursuant to 13-17-211 and the recount board shall conduct the recount as provided in 13-16-414."~~

**Renumber:** subsequent sections

21. Page 19, line 2.

**Strike:** "using voting system"

**Insert:** "on nonpaper ballot"

**Strike:** "(a)"

22. Page 19, line 3 through line 4.

**Strike:** "or if" on line 3 through "properly" on line 4

**Insert:** "cast on a nonpaper ballot"

**Following:** the first "the"

**Insert:** "election administrator or"

23. Page 19, line 6.

**Strike:** "(b)"

**Insert:** "(2)"

24. Page 19, line 7.

**Following:** "(3)"

**Insert:** "(a)"

25. Page 19, line 8.

**Strike:** "(c)(i)"

**Insert:** "(3)(a)"

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26. Page 19, line 11.

**Strike:** "(ii)"

**Insert:** "(b)"

**Following:** "(3)"

**Insert:** "(a)"

27. Page 19, line 12.

**Strike:** "(iii)"

**Insert:** "(c)"

**Strike:** "as provided in subsection (3)"

**Insert:** "subject to rules adopted for the system under 13-17-211"

28. Page 19, line 13 through line 18.

**Strike:** subsections (2) and (3) in their entirety

29. Page 19.

**Following:** line 18

**Insert:** "**Section 20.** Section 13-17-211, MCA, is amended to read:

**"13-17-211. Uniform procedures for using voting systems.** (1) For each voting system approved under 13-17-101, the secretary of state shall adopt rules specifying the procedures to be uniformly applied in elections conducted with the voting system.

(2) The rules must, at a minimum, specify procedures that address the following:

(a) performance certification under 13-17-212;

(b) how electors ensure the proper disposition of a ballot pursuant to 13-13-117(2);

(c) the process to be used to prepare for a vote count under 13-10-311(3) and 13-15-201(2) for nonpaper ballots so that election judges can determine the total number of electors voting in the election compared to the total number of ballots cast;

(d) the procedures to be followed if the comparison under 13-15-206(2)(b) reveals discrepancies;

~~(e) recount procedures under 13-16-412(2);~~

~~\_\_\_\_\_ (f) voting system tests to correct discrepancies under 13-16-414(1)(a);~~

~~\_\_\_\_\_ (g) what contingencies must be made for recounts pursuant to 13-16-414(3)(b);~~

~~(e) how to operate and test the system during counts or recounts;~~

~~(h)(f)~~ the security measures necessary to secure the voting system before, during, and after an election, including security following a recount under 13-16-417; and

~~(i)(g)~~ testing and certification of voting systems pursuant to 13-17-212.""

**Renumber:** subsequent sections

30. Page 20.

**Following:** line 23

**Insert:** "NEW SECTION. **Section 23. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 13, chapter 15, part 2, and the provisions of Title 13, chapter 15, part 2, apply to [section 1]."

For the House:

D. Brown  
Dickenson  
Hamilton  
A. Olson

For the Senate:

Squires, Chairman  
Ellingson  
Essmann

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CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 227**  
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 227** (reference copy -- salmon) be accepted by the House.

For the House:

Branae  
Galvin-Halcro  
Lake  
Sales

For the Senate:

Harrington, Chairman  
Bales  
Elliott

**FREE CONFERENCE COMMITTEE**  
on **House Bill 606**  
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 606** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 606** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

**Following:** ";"

**Strike:** "AND"

2. Title, line 9.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 28.

**Strike:** "and covered by the operating permit"

4. Page 3, line 29.

**Following:** "(15)(a)(ii)"

**Insert:** "and is subject to the provisions of this subsection (8)"

5. Page 5, line 1.

**Following:** "BOND WITHIN"

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**Strike:** "1 YEAR"

**Insert:** "6 months"

6. Page 5.

**Following:** line 22

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

For the House:

For the Senate:

Wheat, Chairman

Gutsche  
Jopek  
Peterson  
Ross

Shockley  
Toole

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 625**  
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 625** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 625** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Strike:** "CHANGING"

**Insert:** "CLARIFYING"

2. Page 2, line 16.

**Strike:** "8,500"

**Insert:** "5,500"

3. Page 2, line 29 through page 3, line 1.

**Strike:** ",OR" on page 2, line 29 through "ACT" on page 3, line 1

4. Page 3, line 2.

**Following:** "old."

**Insert:** "An election may not be held based upon a designation that is more than 5 years old."

For the House:

For the Senate:

John Balyeat  
Grinde  
McAlpin  
Rice

Toole, Chairman  
Barkus  
Harrington

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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 40**  
Report No. 1, April 15, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 40** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 40** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "THE"

**Insert:** "RESOLUTION OF INTENTION TO CREATE THE DISTRICT AND THE"

2. Title, line 9.

**Following:** "7-12-2105,"

**Insert:** "7-12-2105,"

3. Page 2, line 26.

**Insert:** "Section 2. Section 7-12-2105, MCA, is amended to read:

**"7-12-2105. Notice of resolution of intention to create district -- hearing -- exception.** (1) Upon having passed the resolution of intention pursuant to 7-12-2103, the board of county commissioners shall publish notice of the passage of the resolution of intention as provided in 7-1-2121.

(2) A copy of the notice must be mailed, as provided in 7-1-2122, to each person, firm, or corporation or the agent of the person, firm, or corporation owning real property within the proposed district listed in the owner's name upon the last-completed assessment roll for state, county, and school district taxes.

(3) (a) The notice must describe the general character of the improvement or improvements proposed to be made or acquired by purchase, state the estimated cost of the improvements, describe generally the method or methods by which the costs of the improvements will be assessed, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of the improvements or the creation of the district.

(b) If the revolving fund is to be pledged to secure the payment of bonds and warrants, the notice must include a statement that, subject to the limitations in 7-12-2182:

(i) the county general fund may be used to provide loans to the revolving fund; or

(ii) a general tax levy may be imposed on all taxable property in the county to meet the financial requirements of the revolving fund.

(c) The notice must refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of the existing improvement.

(4) The provisions of this section do not apply to a resolution of intention to create a district that is passed upon receipt of a petition as provided in 7-12-2102(2)."

**Renumber:** subsequent sections

For the Senate:

Hawks, Chairman  
Gebhardt  
McGee

For the House:

Barrett  
Eaton

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Henry  
Stahl

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 107**  
Report No. 1, April 15, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 107** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 107** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 10.

Strike: "REMOVING" on line 9 through "PLAN;" on line 10

2. Page 1, line 22 through line 25.

**Following:** "chemicals" on line 22

**Strike:** "when" on line 22 through "department" on line 25

**Insert:** "and"

**Renumber:** subsequent subsections

3. Page 2, line 12.

**Strike:** "MAY"

**Insert:** "shall"

4. Page 2, line 27.

**Strike:** "through (3)"

**Insert:** "and (2)"

For the Senate:

Smith, Chairman  
Black  
Larson

For the House:

Gutsche  
Jopek  
Peterson  
Waitschies

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 461**  
Report No. 1, April 15, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 461** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that the amendments to **Senate Bill 461** (reference copy -- salmon) be rejected and the reference copy be amended as follows:



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1. Title, line 6 through line 8.

**Strike:** ": REQUIRING" on line 6 through "LIKELY" on line 8

2. Page 2, line 7 through line 9.

**Strike:** subsection (4) in its entirety

For the Senate:

Roush, Chairman  
Steinbeisser  
Tash

For the House:

Clark  
Golie  
Malcolm  
Rice

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 222** concurred in as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Andersen, Callahan, Galvin-Halcro, Golie, Groesbeck, Hawk, Hendrick, Jayne, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Sesso, Stoker, Taylor, Villa, Ward, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Branae, Koopman, Windy Boy.

Total 3

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**HB 35, as amended by the Senate,** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Jackson, Jayne, L. Jones, W. Jones, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Mendenhall, Morgan, Peterson, Rice, Roberts, Sales, Sinrud, Stahl, Taylor, Wagman, Ward, Wells, Witt.

Total 33

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HB 83, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Rice, Sales, Wagman, Waitschies, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HB 102, as amended by the Senate,** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A.

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Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 86

Noes: Andersen, Balyeat, Everett, Hawk, Jayne, W. Jones, Lake, Malcolm, Mendenhall, Sales, Stahl, Wells, Witt.

Total 13

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HB 186, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Golie, Hawk, Jackson, Jayne, L. Jones, W. Jones, Lake, Maedje, Malcolm, McKenney, Milburn, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Ward, Witt.

Total 24

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HB 235, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Balyeat, Callahan, Dickenson, Franklin, Galvin-Halcro, Golie, Hawk, Jayne, Juneau, Raser, Ripley, Witt.

Total 12

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Excused: None.  
Total 0

Absent or not voting: Koopman.  
Total 1

**HB 704, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 92

Noes: Balyeat, Everett, Hawk, Malcolm, Sales, Wagman, Witt.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Koopman.  
Total 1

**HB 707, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: R. Brown, Glaser, Himmelberger, Jayne.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Koopman.  
Total 1

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**HB 782, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Clark, Koopman.

Total 2

**HJR 26** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jopek, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HJR 32** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson,

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Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: D. Brown, Everett, Hawk, Heinert, Hendrick, Lake, Lambert, Malcolm, McKenney, Mendenhall, Milburn, B. Olson, Rice, Ross, Sales, Sinrud, Sonju, Waitschies, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HJR 33** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: D. Brown, Caferro, Franklin, Gallik, Gutsche, Hamilton, Harris, Hawk, Kaufmann, Lake, Raser, Waitschies.

Total 12

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

**HJR 36** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Lake, Sales, Waitschies.

Total 3

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Excused: None.  
Total 0

Absent or not voting: Koopman, Ward.  
Total 2

**HJR 39** adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 68

Noes: Andersen, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies.  
Total 32

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 40** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Butcher, Caferro, Dickenson, Everett, Glaser, Hawk, Hendrick, W. Jones, Juneau, Kaufmann, Lake, MacLaren, Malcolm, McGillvray, Musgrove, B. Olson, Ross, Sales, Sonju, Taylor, Wagman, Waitschies, Ward.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 41** adopted as follows:

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Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Koopman, Lake, Maedje, Malcolm, Mendenhall, Ripley, Ross, Sales, Sinrud, Sonju, Witt.

Total 17

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

**HJR 42** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Lake, Lambert, Musgrove, Ross, Sonju, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 81, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice,



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Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Koopman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 278, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Balyeat, Galvin-Halcro, Hawk, B. Olson, Wagman.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 423, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, D. Brown, R. Brown, Caferro, Campbell, Everett, Golie, Himmelberger, Jayne, Klock, Koopman, Lambert, McKenney, Mendenhall, Morgan, B. Olson, Rice, Ripley, Sales, Sonju, Wagman, Ward, Witt.

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Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 133** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 72

Noes: Balyeat, Barrett, R. Brown, Butcher, Caferro, Everett, Gutsche, Hawk, Hendrick, Himmelberger, Jayne, W. Jones, Kaufmann, Koopman, Lake, Lambert, Lange, McGillvray, B. Olson, Rice, Ripley, Ross, Sales, Stahl, Wagman, Ward, Warden, Wells.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 319** concurred in as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 58

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SJR 6** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 55

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Warden, Wells, Witt.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 11** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

Total 57

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Gallik, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 28** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

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Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Harris, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 29** concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Mr. Speaker.

Total 68

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Gutsche, Harris, Hawk, Heinert, Himmelberger, Jackson, Koopman, Lake, Lambert, McGillvray, McKenney, McNutt, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Windy Boy, Witt.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 293** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, April 16, 2005. Motion carried.

House adjourned at 3:44 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 16, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation was done by the Mount Helena Community Church dance group. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will stand at ease until 8:35 a.m.

House reconvened at 8:39 a.m.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take **SB 462** from the House State Administration Committee and place it on 2nd Reading on April 15, 2005.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/25/2005

Correctly printed: **HB 805, HB 806, HJR 44, HJR 45.**

Correctly enrolled: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**

Examined by the sponsor and found to be correct: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the Chief Clerk of the House at 2:35 p.m., April 15, 2005: **HB 536, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**

Signed by the Speaker at 4:00 p.m., April 15, 2005: **HB 536, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**

Signed by the Chief Clerk of the House at 2:00 p.m., April 14, 2005: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 363.**

Signed by the Speaker at 4:10 p.m., April 14, 2005: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 363.**

**HUMAN SERVICES** (Becker, Chairman):

4/16/2005

**SJR 37**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman):

4/16/2005

**SJR 40**, be concurred in. Report adopted.

**SELECT COMMITTEE ON EDUCATION** (Lindeen, Chairman):

4/16/2005

**SB 525**, be amended as follows:

1. Page 2, line 27.

**Following:** "shall"

**Strike:** "work closely with and"

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And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):  
**SB 462**, without recommendation. Report adopted.

4/16/2005

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 540**  
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 540** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 540** (reference copy -- salmon) be amended as follows:

1. Page 1.

**Strike:** line 28 through line 29 in their entirety

For the House:

Dickenson  
Juneau  
Sales  
Wells

For the Senate:

Gallus, Chairman  
Kitzenberg  
Tropila

**MESSAGES FROM THE SENATE**

**Senate joint resolutions** passed and transmitted to the House for concurrence:

4/16/2005

**SJR 36**, introduced by Toole

**SJR 39**, introduced by Toole

**SJR 41**, introduced by Weinberg

**House bill** concurred in and returned to the House:

4/16/2005

**HB 214**, introduced by Sales

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/16/2005

**HB 529**, introduced by Kaufmann

**HB 60**, introduced by Harris returned after the deadline for Appropriation Bills.

Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

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**Free Conference Committee Report No. 1** adopted on 2nd reading:

4/16/2005

**HB 115**, introduced by McNutt  
**HB 146**, introduced by Gallik  
**HB 361**, introduced by Gallik  
**HB 493**, introduced by Noonan  
**SB 217**, introduced by Larson

**Conference Committee Report No. 1** adopted on 2nd reading:

4/16/2005

**HB 367**, introduced by Parker  
**HB 517**, introduced by Wiseman  
**SB 146**, introduced by McGee  
**SB 443**, introduced by Roush

**MESSAGES FROM THE GOVERNOR**

April 15, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 260, **“AN ACT PROVIDING THAT A FINAL DECISION IN A CONTESTED CASE PROCEEDING MUST BE ISSUED WITHIN 90 DAYS UNLESS GOOD CAUSE IS SHOWN AND MUST BE REVISED TO CONFORM TO AN ORAL PRONOUNCEMENT OF A FINAL DECISION IF REQUESTED BY A PARTY IN WRITING WITHIN 30 DAYS AFTER FILING THE FINAL DECISION; REQUIRING MAIL NOTICE OF A DECISION; AMENDING SECTION 2-4-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE,”** for the following reasons.

Senate Bill 260, sponsored by Senator Perry, establishes a time frame within which a final decision must be issued in a contested case proceeding under the Montana Administrative Procedure Act. It also provides a procedure to follow if a written decision conflicts with an oral pronouncement of the decision, and requires that upon the occurrence of such a conflict, any party may request modification of the written decision, and the oral pronouncement of the decision will prevail. A companion bill, Senate Bill 62, also sponsored by Senator Perry, requires that all final decisions in a contested case proceeding under the Administrative Procedure Act must be in writing. I support that bill.

My proposed amendments to Senate Bill 260 alter the time within which a final decision in a contested case proceeding must be issued. Under my amendments, a written decision must be issued within 90 days after a contested case is deemed submitted for decision to the final decision maker. As the bill stands in its current form, the 90 day



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period begins to run from the time of the close of the contested case hearing. Because many procedural steps – such as the filing of exceptions and subsequent oral argument – may occur after the close of the hearing, and because scheduling difficulties at times prolong the completion of these steps, it is more realistic to require that the clock for issuance of the written decision begin to run after the case is deemed submitted, rather than at the close of the hearing. Because the time for issuance of the final decision is extended under these proposed amendments, in the spirit of keeping with the sponsor's intent, my amendments compensate by shortening the time within which an extension is authorized, for good cause shown, from 90 to 30 days.

Secondly, my proposed amendments eliminate the requirement in the bill that if an oral pronouncement of the decision conflicts with a written decision, at the request of a party, the agency must modify the decision to conform to the oral pronouncement. I propose this amendment because I do not believe this provision of the bill fosters deliberate judicial decision-making. Rather, I believe that such a requirement would increase the likelihood of faulty agency decisions and unnecessary appeals, thereby increasing the costs of litigation. Additionally, particularly in light of the requirement contained in Senate Bill 62 that all final decisions in contested case hearings be in writing, I believe the requirement in this bill that an oral pronouncement of a decision would trump the written decision undermines the policy that decisions be in writing and that the written decision, and the written decision only, is the decision on which parties to a proceeding can and must rely.

I understand that the sponsor of the bill, Senator Perry, has modeled this requirement that an oral pronouncement of a decision prevails over a written decision on the criminal code. However, I am informed that criminal lawyers, both prosecutors and defense lawyers, find the criminal provision unmanageable and contrary to deliberative decision-making.

My proposed amendments also provide an applicability date, clarifying that Senate Bill 260 applies to contested case hearings commenced after the effective date of the act.

Senator Perry has been informed of my proposed amendments. The proposed amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR  
cc: Legislative Services Division

Amendments to Senate Bill No. 260  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Title, lines 5 through line 8.

**Following:** "SHOWN" on line 5

**Strike:** remainder of line 5 through "DECISION" on line 8

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 1, line 13.

**Strike:** "(a)"

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3. Page 1, line 17.

**Strike:** "HEARING"

**Insert:** "is considered submitted for decision to the final decisionmaker"

4. Page 1, line 18.

**Strike:** "90"

**Insert:** "30"

5. Page 1, line 19 through line 24.

**Strike:** subsection (b) in its entirety

6. Page 2, line 10.

**Following:** line 9

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to contested case hearings commenced after [the effective date of this act]."

April 15, 2005

The Honorable Gary Mathews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate

State Capitol  
Helena, MT 59620

April 15, 2005

Dear Speaker Mathews and President Tester:

I am attaching a proposed amendment to Senate Bill 212, which will help clarify the intent of the bill.

The intent of SB 212 is to ensure that 25% of Federal mineral leasing funds are put into a dedicated account and distributed to local governments and that the remaining 75% is deposited into the general fund. Under current law, all funds are deposited into the general fund and then 25% is transferred out of the general fund at the end of the year for local governments.

In this regard, we have removed language that could be misconstrued as dedicating or distributing part of the 75% of Federal mineral leasing funds, which are deposited into the general fund, to local governments. Only the 25% excepted in subsection (2) is dedicated and distributed to local governments.

The proposed amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

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Amendments to Senate Bill No. 212  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Page 1, lines 14 and 15.

**Following:** "fund" on line 14

**Strike:** remainder of line 14 through "(3)" on line 15

April 14, 2005

The Honorable Gary Mathews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

April 14, 2005

Dear Speaker Mathews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill SB 401 for the following reasons:

The Secretary of State recently noticed that there is an erroneous reference in section 71-3-125 MCA and has requested that I amend Senate Bill 401, sponsored by Senator Laslovich, to correct the mistaken reference.

In the 2003 Montana Code, Section 71-3-125(4)(a) states that the Secretary of State "shall record the agricultural lien statement on the centralized computer system as set forth in 30-9A-502." This clause should properly refer to Section 30-9A-501, not 502, and my proposed amendment, which is attached to this letter, accomplishes this.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR  
cc: Legislative Services Division

Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Page 87, line 18.

**Strike:** "30-9A-502"

**Insert:** "30-9A-501"

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 36**, introduced by Toole, Essmann, referred to Federal Relations, Energy, and Telecommunications.

**SJR 39**, introduced by Toole, Gallik, A. Olson, Perry, referred to Federal Relations, Energy, and Telecommunications.

**SJR 41**, introduced by Weinberg, referred to Business and Labor.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 43** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 48** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson,

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Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 75** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, A. Olson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 115** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 71

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, Morgan, A. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Stoker, Taylor, Wells, Witt.

Total 29

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 213** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 271** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Andersen, Balyeat, Barrett, R. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lange, MacLaren, Maedje, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Warden, Witt.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 276** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan,

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Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Bixby, Buzzas, Caferro, Cohenour, Galvin-Halcro, Gutsche, Harris, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 345** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 65

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 415** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren,

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Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 442** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Sinrud.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 511** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, Jopek, Keane, Lake, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 70

Noes: Andersen, Balyeat, Barrett, R. Brown, Caferro, Cohenour, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Malcolm, Rice, Ripley, Sales, Sinrud, Stahl, Wagman, Ward, Wells.

Total 30

Excused: None.

Total 0



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Absent or not voting: None.  
Total 0

**SB 516** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Clark, Dickenson, Dowell, Driscoll, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 76

Noes: Bixby, Buzzas, Caferro, Callahan, Campbell, Cohenour, Eaton, Facey, Franklin, Furey, Gallik, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, W. Jones, Juneau, Kaufmann, McAlpin, Villa, Wells.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 524** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Morgan.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 20** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones,

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W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Buzzas, Caferro, Clark, Dickenson, Gallik, Gutsche, Hamilton, Harris, Hiner, Jent, Jopek, Juneau, Kaufmann, Taylor, Villa.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Facey in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 805** - Representative Clark moved **HB 805** do pass.

**HB 805** - Representative Stoker moved **HB 805**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.  
Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Koopman, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 805** - Motion to pass carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: McNutt, Noennig, Ripley, Sinrud.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 806** - Representative Clark moved **HB 806** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: McNutt, Noennig.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 44** - Representative A. Olson moved **HJR 44** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall,

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Total 91

Noes: Bixby, Caferro, Gallik, Groesbeck, Jopek, Juneau, Kaufmann, Lake, Waitschies.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 45** - Representative Himmelberger moved **HJR 45** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: Everett, Hawk, Koopman, Lake, B. Olson, Ross, Sales, Sinrud, Sonju, Waitschies, Witt.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 14** - Representative Hendrick moved **SJR 14** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Everett, Hawk, Jayne, Koopman, Lake, Ross, Sales, Sonju, Waitschies, Ward.  
Total 10

Excused: None.

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Total 0

Absent or not voting: Balyeat.

Total 1

**SJR 31** - Representative A. Olson moved **SJR 31** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Hawk, Jayne, Koopman, Lake, Ross, Sales, Sinrud, Wagman, Waitschies.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 423 - Senate Amendments** - Representative Stahl moved Senate amendments to **HB 423** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 60

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Warden, Wells.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 435 - Senate Amendments** - Representative Branae moved Senate amendments to **HB 435** be concurred in. Motion carried as follows:

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Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 484 - Senate Amendments** - Representative L. Jones moved Senate amendments to **HB 484** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Koopman, Morgan, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Roberts, Taylor, Wagman.  
Total 3

**HB 577 - Senate Amendments** - Representative McAlpin moved Senate amendments to **HB 577** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman,

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Total 94

Noes: Everett, Hawk, Klock, Morgan, Ripley, Ross.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 742 - Senate Amendments** - Representative Buzzas moved Senate amendments to **HB 742** be concurred in.  
Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Everett, Himmelberger, Koopman, Ross, Sales, Stoker, Wagman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: W. Jones, Sesso.  
Total 2

**HB 757 - Senate Amendments** - Representative L. Jones moved Senate amendments to **HB 757** be concurred in.  
Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Koopman, McGillvray, Sales, Wagman.  
Total 4

Excused: None.

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Total 0

Absent or not voting: Harris.

Total 1

**HB 769 - Senate Amendments** - Representative Golie moved Senate amendments to **HB 769** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 67

Noes: Balyeat, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Ripley, Roberts, Sales, Sinrud, Stoker, Wagman, Warden, Wells.

Total 31

Excused: None.

Total 0

Absent or not voting: Waitschies, Ward.

Total 2

**HB 790 - Senate Amendments** - Representative Peterson moved Senate amendments to **HB 790** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Bixby, Clark, Furey, Gutsche, Harris, Jopek, Juneau, Kaufmann.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 531 - Senate Amendments** - Representative Franklin moved Senate amendments to **HB 531** be **not** concurred in. Motion carried as follows:



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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 4 - Senate Amendments** - Representative Musgrove moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Everett, Hawk, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, Mendenhall, A. Olson, Ross, Sales, Sinrud, Wagman, Wells.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Witt.  
Total 1

**HB 11 - Senate Amendments** - Representative McNutt moved Senate amendments to **HB 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson,

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Total 97

Noes: Koopman, McGillvray, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 288 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 288** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: D. Brown, Everett, Jayne, Koopman, Lake, Maedje, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

**HB 386 - Senate Amendments** - Representative Sinrud moved Senate amendments to **HB 386** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Dowell, Gallik, Galvin-Halcro, Hamilton, Jayne, Raser, Small-Eastman, Villa, Wilson.  
Total 9

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 476 - Senate Amendments** - Representative McAlpin moved Senate amendments to **HB 476** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: Andersen, D. Brown, Everett, Hawk, Jayne, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, Mendenhall, Ross, Sales, Wagman, Wells, Witt.  
Total 17

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 541 - Senate Amendments** - Representative Glaser moved Senate amendments to **HB 541** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Butcher, Morgan.  
Total 2

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**HB 552 - Senate Amendments** - Representative Caferro moved Senate amendments to **HB 552** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Andersen, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Klock, Koopman, Lake, Lange, Maedje, Rice, Ross, Sales, Sinrud, Wagman, Wells, Witt.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 720 - Senate Amendments** - Representative Sinrud moved Senate amendments to **HB 720** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 87

Noes: Becker, Buzzas, Cohenour, Dickenson, Dowell, Eaton, Galvin-Halcro, Golie, Grinde, Jopek, Villa, Wiseman.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Lenhart.  
Total 1

**SB 326 - Governor's Amendments** - Representative Keane moved Governor's amendments to **SB 326** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner,

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Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: R. Brown, Butcher, Caferro, Everett, Hendrick, Kaufmann, Koopman, Lake, McGillvray, Sales, Stahl, Stoker, Wagman, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 99 - Free Conference Committee Report No. 1** - Representative Lange moved the Free Conference Committee report to **HB 99** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Bixby, Caferro, Campbell, Groesbeck, Jayne, Jopek, Juneau, Kaufmann, Klock, Koopman.

Total 10

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

**HB 115 - Free Conference Committee Report No. 1** - Representative McNutt moved the Free Conference Committee report to **HB 115** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

**HB 146 - Free Conference Committee Report No. 1** - Representative Gallik moved the Free Conference Committee report to **HB 146** be adopted. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

**HB 218 - Conference Committee Report No. 1** - Representative B. Olson moved the Conference Committee report to **HB 218** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Galvin-Halcro, Golie, Gutsche, Koopman.

Total 4

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 272 - Conference Committee Report No. 1** - Representative Lambert moved the Conference Committee report to **HB 272** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Becker.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 348 - Conference Committee Report No. 1** - Representative Buzzas moved the Conference Committee report to **HB 348** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 76

Noes: Balyeat, Barrett, R. Brown, Groesbeck, Hawk, Hendrick, Himmelberger, Jayne, Koopman, Lake, Malcolm, McGillvray, McNutt, Mendenhall, Rice, Ripley, Ross, Sales, Sonju, Wagman, Ward, Wells, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Noennig.  
Total 1

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**HB 361 - Free Conference Committee Report No. 1** - Representative Gallik moved the Free Conference Committee report to **HB 361** be adopted. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 53

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 367 - Conference Committee Report No. 1** - Representative Parker moved the Conference Committee report to **HB 367** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Jayne.  
Total 1

Excused: None.  
Total 0

Absent or not voting: D. Brown.  
Total 1

**HB 493 - Free Conference Committee Report No. 1** - Representative Noonan moved the Free Conference Committee report to **HB 493** be adopted. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L.



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Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Himmelberger, Koopman, Lake, Ripley, Ross, Sales, Sonju, Wagman, Ward, Wells.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Clark.  
Total 1

**HB 517 - Free Conference Committee Report No. 1** - Representative Wiseman moved the Free Conference Committee report to **HB 517** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 83

Noes: Caferro, Everett, Hawk, Jayne, Kaufmann, Klock, Koopman, Lake, McGillvray, A. Olson, B. Olson, Ross, Sales, Wagman, Waitschies, Windham, Witt.  
Total 17

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 139 - Conference Committee Report No. 1** - Representative Stoker moved the Conference Committee report to **SB 139** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 97

Noes: Koopman, Noennig.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**SB 146 - Free Conference Committee Report No. 1** - Representative Parker moved the Free Conference Committee report to **SB 146** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Hawk, Koopman, Sales, Wagman.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Caferro.  
Total 1

**SB 217 - Free Conference Committee Report No. 1** - Representative Keane moved the Free Conference Committee report to **SB 217** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 96

Noes: Hawk, Koopman, Lambert, Mr. Speaker.  
Total 4

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 443 - Conference Committee Report No. 1** - Representative Furey moved the Conference Committee report to **SB 443** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Everett, Hawk, Koopman, McGillvray.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Campbell.  
Total 1

**SB 461 - Conference Committee Report No. 1** - Representative Rice moved the Conference Committee report to **SB 461** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Bixby, Dickenson, Dowell, Galvin-Halcro, Himmelberger, Jayne, Jopek, Juneau, Wagman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Balyeat, Barrett, Everett, Hawk, Heinert, Hendrick, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Wagman, Ward, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved the House suspend the Rules to hear the bills passed today on 2nd Reading on 3rd Reading today. Without objection, so ordered.

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 154**. Motion carried.

The Speaker appointed the following members:

Representative Roberts  
Representative Milburn  
Representative Caferro  
Representative Kaufmann

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 531**. Motion carried.

The Speaker appointed the following members:

Representative Hawk  
Representative Sales  
Representative Franklin  
Representative Lenhart

Dem. Floor Leader Parker moved the House suspend the Rules for the late transmittal of **HB 60**. This requires a 2/3 vote. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson,

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Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Balyeat, Barrett, D. Brown, Lake, Maedje, Sales, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: Arntzen, Bixby, Branae, Jayne, Juneau, Keane.

Total 6

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 11:10 a.m.

The House reconvened at 11:10 a.m.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 805** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Maedje, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 806** passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Sinrud.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 44** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Gallik, Jopek, Lake, Waitschies.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 45** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 88

Noes: Everett, Hawk, Koopman, Lake, B. Olson, Ross, Sales, Sinrud, Sonju, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: Butcher, Windham.

Total 2

**SJR 14** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: D. Brown, Everett, Hawk, Koopman, Lake, Mendenhall, Ross, Sales, Waitschies, Ward.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 31** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Clark, Hawk, Jayne, Kaufmann, Koopman, Lake, Ross, Sales, Sinrud, Wagman, Waitschies.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 423, as amended by the Senate**, passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Warden, Wells.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 435, as amended by the Senate**, passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 484, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray,



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McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Groesbeck, Keane, Koopman, Maedje, Morgan, Sales.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 577, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: Everett, Hawk, Klock, Lake, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Wagman.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 742, as amended by the Senate**, passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jackson, Koopman, Lake, Lange, McGillvray, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman.  
Total 23

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 757, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Himmelberger, Koopman, Lake, McGillvray, Morgan, Roberts, Sales, Sinrud.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 769, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 61

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Keane, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells.

Total 38

Excused: None.

Total 0

Absent or not voting: Kaufmann.

Total 1

**HB 790, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Caferro, Gutsche, Harris, Hawk, Jopek, Kaufmann, Koopman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 4, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 73

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**HB 11, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

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Noes: Jopek, Koopman, Lake, McGillvray, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 288, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Everett, Jayne, Koopman, Sales.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 386, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Bixby, Caferro, Dowell, Gallik, Galvin-Halcro, Groesbeck, Hamilton, Henry, Jayne, Jopek, Juneau, Kaufmann, Malcolm, Small-Eastman, Villa, Wilson.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 476, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 65

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Witt.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 541, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 552, as amended by the Senate,** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

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Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 720, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Callahan, Clark, Dickenson, Everett, Facey, Gallik, Glaser, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 75

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Campbell, Cohenour, Dowell, Driscoll, Eaton, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Henry, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Small-Eastman, Villa, Wiseman.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 326, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 74

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Golie, Hawk, Hendrick, Himmelberger, L. Jones, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Rice, Ripley, Roberts, Ross, Stahl, Stoker, Wagman.

Total 26

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 99, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Dowell, Everett, Jayne, Jopek, Juneau, Kaufmann, Klock, Koopman, Maedje, Malcolm, Rice, Ripley, Witt.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 115, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 146, Free Conference Committee Report No. 1**, failed as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 218, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 87

Noes: Becker, Bixby, R. Brown, Caferro, Galvin-Halcro, Glaser, Gutsche, Juneau, Kaufmann, Koopman, Mendenhall.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Musgrove, Witt.  
Total 2

**HB 272, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman,



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Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Becker.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 348, Conference Committee Report No. 1, adopted as follows:**

Ayes: Andersen, Becker, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Ward, Wells, Witt.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 361, Free Conference Committee Report No. 1, failed as follows:**

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman.

Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.

Total 54

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 367, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: R. Brown, Himmelberger, Jayne, Maedje, Mendenhall, Wagman.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 493, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Himmelberger, Koopman, Lake, Malcolm, McGillvray, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Ward, Wells, Witt.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 517, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde,

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Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Hiner, Jacobson, Jent, Jopek, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Noes: Balyeat, Barrett, R. Brown, Buzzas, Caferro, Everett, Glaser, Hawk, Henry, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, Milburn, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Wagman, Waitschies, Ward, Windham, Witt.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 139, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Hawk, Koopman.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 146, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

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Noes: Balyeat, D. Brown, Everett, Hawk, Koopman, Malcolm, Sales, Sinrud, Sonju, Wagman, Wells.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 217, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wells, Mr. Speaker.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 443, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: D. Brown, Everett, Hawk, Koopman, Lake, Rice, Sales.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 461, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Bixby, Dickenson, Dowell, Furey, Galvin-Halcro, Harris, Jayne, Jopek, Juneau.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Gutsche in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 462** - Representative A. Olson moved **SB 462** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 525** - Representative Lindeen moved **SB 525** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, Mendenhall, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 540 - Conference Committee Report No. 1** - Representative Dickenson moved the Conference Committee report to **HB 540** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 87

Noes: D. Brown, Everett, Hawk, Hendrick, Jackson, Lake, Maedje, Sales, Sinrud, Taylor, Wagman, Wells.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gutsche moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart,

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Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 85

Noes: Barrett, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, MacLaren, Mendenhall, Sales, Sinrud, Sonju, Wagman, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: Gutsche.

Total 1

**MOTIONS**

Dem. Floor Leader Parker moved the House suspend the rules to hear **SB 525** on 3rd Reading today. Motion **failed** due to 2/3 vote as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, W. Jones, Klock, Lange, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 34

Excused: None.

Total 0

Absent or not voting: Stahl, Warden.

Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Monday, April 18, 2005. Motion carried.

House adjourned at 12:19 p.m.

MARILYN MILLER

GARY MATTHEWS

HOUSE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 16, 2005

Chief Clerk of the House

Speaker of the House



**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 18, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wiseman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Koopman, excused. Quorum present.

Speaker Matthews introduced the following pages: David Ames, Helena; Gillian Brown, Billings; Nicole Callahan, St. Ignatius; Colt Couture, Arlee; Fraser Horton, Missoula; and Teal Skibsted, Missoula.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand in recess until 1:00 p.m.

The House reconvened at 1:10 p.m.

Rep. Caferro introduced the Conga Club, a group of 3rd and 4th graders from Helena directed by Angie Leprophn, who provided entertainment for the House.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Keane, Chairman):

4/18/2005

**SJR 35**, be concurred in. Report adopted.

**SJR 38**, be concurred in. Report adopted.

**SJR 41**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in:

4/18/2005

**SB 41**, introduced by Keenan

**SB 68**, introduced by Joe Balyeat

**SB 85**, introduced by Squires

**SB 87**, introduced by Elliott

**SB 296**, introduced by Black

**SB 407**, introduced by Grimes

**SB 432**, introduced by Brueggeman

**SB 477**, introduced by Elliott

**SB 486**, introduced by Cocchiarella

**House bills** concurred in and returned to the House:

4/18/2005

**HB 438**, introduced by Buzzas

**HB 550**, introduced by Windy Boy

**HB 678**, introduced by Cohenour

**HB 756**, introduced by Gutsche

**HB 776**, introduced by Raser

**HB 802**, introduced by A. Olson

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**House joint resolution** concurred in and returned to the House: 4/18/2005

**HJR 34**, introduced by Cohenour

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/18/2005

**HB 535**, introduced by L. Jones  
**HB 584**, introduced by Harris  
**HB 592**, introduced by Waitschies  
**HB 667**, introduced by Wanzenried  
**HB 671**, introduced by Musgrove  
**HB 689**, introduced by Arntzen

**SB 489** - The Senate failed to concur in House amendments to **SB 489**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 489**: 4/18/2005

Senator Gebhardt  
Senator Lind  
Senator Wheat

**Conference Committee Report No.1** on 2nd Reading, adopted: 4/18/2005

**HB 227**, introduced by Galvin-Halcro  
**HB 348**, introduced by Buzzas  
**HB 540**, introduced by Dickenson  
**SB 40**, introduced by McGee  
**SB 139**, introduced by Esp  
**SB 175**, introduced by Cromley  
**SB 461**, introduced by Steinbeisser

**Conference Committee Report No.1** on 3rd Reading, adopted: 4/18/2005

**HB 115**, introduced by McNutt  
**HB 146**, introduced by Gallik  
**HB 367**, introduced by Parker  
**HB 517**, introduced by Wiseman  
**SB 443**, introduced by Roush

**Free Conference Committee Report No.1** on 2nd Reading, adopted: 4/18/2005

**HB 99**, introduced by Lange  
**HB 177**, introduced by Olson, A.  
**HB 606**, introduced by Gutsche  
**SB 107**, introduced by Smith

**Free Conference Committee Report No.1** on 3rd Reading, adopted: 4/18/2005

**HB 361**, introduced by Gallik  
**HB 493**, introduced by Noonan  
**SB 217**, introduced by Larson

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**SB 146**, introduced by McGee

**House amendments not** concurred in: 4/18/2005

**SB 319**, introduced by Ellingson

**Governor's amendments to House bills** concurred in and returned to the House: 4/18/2005

**HB 46**, introduced by Parker

**HB 266**, introduced by Rice

**Governor's amendments to Senate bill not** concurred in and transmitted to the House for consideration in the Governor's amendments:

4/18/2005

**SB 260**, introduced by Perry

**Conference Committee Report No.1 rejected** by the Committee of the Whole: 4/18/2005

**HB 625**, introduced by Rice

**MESSAGES FROM THE GOVERNOR**

April 10, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 688** sponsored by Representative Franklin et al. on April 10, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 15, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 150** sponsored by Representative Galvin-Halcro, **House Bill 153**

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sponsored by Representative Noennig, **House Bill 199** sponsored by Representative A. Olson, **House Bill 280** sponsored by Representative Wagman, **House Bill 301** sponsored by Representative Galvin-Halcro, **House Bill 316** sponsored by Representative Callahan, **House Bill 483** sponsored by Representative Bergren, **House Bill 492** sponsored by Representative Morgan, **House Bill 514** sponsored by Representative Gutsche, and **House Bill 746** sponsored by Representative Klock on April 15, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 18, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 7, "AN ACT PROVIDING FOR RECLAMATION AND DEVELOPMENT GRANTS; TEMPORARILY AUTHORIZING ADDITIONAL USES OF THE RECLAMATION AND DEVELOPMENT GRANTS STATE SPECIAL REVENUE ACCOUNT; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR GRANTS FOR DESIGNATED PROJECTS UNDER THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM; PRIORITIZING GRANTS AND AMOUNTS; ESTABLISHING CONDITIONS FOR GRANTS; TRANSFERRING FUNDS; TEMPORARILY REVISING THE USE OF THE RECLAMATION AND DEVELOPMENT GRANTS ACCOUNT; AMENDING SECTION 90-2-1104, MCA; AND PROVIDING AN EFFECTIVE DATE AND TERMINATION DATES," for the following reason.

My proposed amendment provides additional budget capacity to maintain compliance with the expenditure limitation provided in § 17-8-105, MCA. The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division  
Department of Transportation  
Department of Agriculture  
Department of Revenue  
Governor's Office of Economic Opportunity

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2005

Amendments to House Bill No. 7  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by the Office of the Governor

1. Page 3, line 12.

**Strike:** "within the 2007 biennium"

**Insert:** "from June 1, 2005 through June 30, 2007"

2. Page 4, line 23.

**Strike:** "appropriations"

**Insert:** "expenditures"

3. Page 4, line 29.

**Strike:** "APPROPRIATIONS"

**Insert:** "expenditures"

4. Page 5, line 8.

**Strike:** "July 1, 2005"

**Insert:** "June 1, 2005"

April 18, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 9, "**AN ACT ESTABLISHING PRIORITIES FOR CULTURAL AND AESTHETIC PROJECTS GRANT AWARDS; APPROPRIATING MONEY FOR CULTURAL AND AESTHETIC GRANTS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE CULTURAL AND AESTHETIC TRUST FUND; AND PROVIDING AN EFFECTIVE DATE,**" for the following reason.

My proposed amendment reduces the amount of money transferred from the state general fund to the cultural and aesthetic projects trust fund by \$500,000 in order to provide funding in HB 423 for a \$500,000 general fund appropriation for the Great Plains Dinosaur Park in Malta. The interest lost from the reduction in the cultural and aesthetic projects trust fund as a result of this amendment has been backfilled in House Bill 2 by the free conference committee. My proposed amendment is attached to this letter.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2005

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division  
David Ewer, Governor's Office of Budget Programming and Planning

Amendments to House Bill No. 9  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by the Office of the Governor

1. Page 1, line 24.  
**Strike:** "\$3,912,500"  
**Insert:** "3,412,500"

April 15, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 172, **"AN ACT REVISING CERTAIN RESIDENT AND NONRESIDENT FISHING AND HUNTING LICENSE AND DRAWING FEES; CREATING A RESIDENT SENIOR COMBINATION LICENSE; AMENDING SECTIONS 87-2-113, 87-2-202, 87-2-301, 87-2-306, 87-2-401, 87-2-403, 87-2-411, 87-2-501, 87-2-505, 87-2-508, 87-2-510, 87-2-701, 87-2-704, 87-2-708, 87-2-711, 87-2-801, 87-2-803, AND 87-2-805, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE,"** for the following reasons.

House Bill 172 revises resident and nonresident fishing and hunting license fees. I recognize that perhaps more than anything else, Montanans young and old, rich and poor, treasure their opportunity to fish the state's bountiful streams and lakes and hunt in the state's mountains and valleys, fields and plains. I share in the passion of Montanans to spend an evening on the river and to rise with the sun to hunt Montana's wildlife.

My proposed amendments to House Bill 172 lower the proposed increase in residential fishing license fees by \$2 and make slight adjustments to the nonresidential black bear fees in current law. Because of the large number of Montana anglers, my proposed amendments result in a savings to Montanans in excess of \$250,000. The amendments are attached to this letter.

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Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division  
Jeff Hagener, Director, Department of Fish, Wildlife, and Parks

Amendments to House Bill No. 172  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Page 3, line 19.

**Strike:** "\$20"

**Insert:** "\$18"

2. Page 9, line 13.

**Strike:** "\$300"

**Insert:** "\$350"

3. Page 9, line 29.

**Strike:** "\$300"

**Insert:** "\$350"

April 16, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 120, "A BILL FOR AN ACT ENTITLED: AN ACT REVISING AND EXTENDING THE UTILIZATION FEE ON HOSPITAL FACILITIES FOR INPATIENT BED DAYS INCLUDING CRITICAL ACCESS FACILITIES IN THE DEFINITION OF "HOSPITAL"; AMENDING SECTIONS 15-66-101, 15-66-102, AND 15-66-201, MCA, AND SECTION 20, CHAPTER 390, LAWS OF 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

Health care for Montana citizens is of the utmost importance to my administration and I have pledged to work as hard as I can to ensure its availability, especially in our rural communities. But threats to that health care are on the horizon.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2005

While I was attending the National Governor's Conference in Washington, DC in late February, President George W. Bush provided a stern warning, which he emphasized by pointing a finger at the Governors in attendance, expressing his objection to practices like Montana's hospital utilization fee. His administration has begun an effort to end widespread uses of such practices by the states. The President indicated that he was targeting \$40 billion in cuts in revenues that currently go to states, \$11 billion in intergovernmental transfers and \$6.9 billion in provider (hospital and nursing homes) fees, which are key to this hospital utilization fee.

Further, only half of the states have hospital utilization fees, such as those in SB 120, which further amplifies the current risk to Montana.

Because Montana's hospital utilization fee, as outlined in SB 120, is the kind of practice that was targeted by the President, it is essential that we structure the law to best meet Montana's medical care needs while at the same time providing the state's medical care providers with the strongest protection from negative action on the part of the federal government.

We need to do our best to meet the letter and spirit of the President's effort, but do so in a manner that protects the interests of Montana's medical care providers and Montana medical patients.

My analysis of the federal objections shows that the continuation of existing allocation language and practices related to the hospital utilization fee pose the greatest target for federal action.

I have determined that the best way to meet both of those important needs is to amend SB 120 to inoculate Montana from federal action by providing flexibility in the administration and uses of the hospital utilization fee.

Therefore, after extensive research and careful consideration of the problem, I propose the attached amendments, which:

- Allow the hospital utilization fees to be set as presently outlined in SB 120.
- Provide flexibility in allocation of the funds.
- Provide that the expenditure of funds under the law will be voided if the budget cap is legally determined to have been exceeded.

I respectfully request that the legislature agree to these amendments so that we may continue to see that Montanans can receive quality health care at the most affordable possible costs.

Sincerely,

BRIAN SCHWEITZER  
Governor

cc: Legislative Services Division  
Department of Public Health and Human Services

AMENDMENTS TO SENATE BILL NO. 120  
PREPARED BY THE GOVERNOR'S OFFICE

- (1) Title, Page 1, line 7.  
Following: "15-66-102,"  
Strike: "AND"  
Following: "15-66-201,"  
Insert: "AND 53-6-149,"



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- (2) Page 2, line 18.  
Following: "interest,"  
Strike: "must"  
Insert: "may"
- (3) Page 2, line 19.  
Following: "deposited"  
Insert: "(a) in the general fund; or (b)"

Page 2, line 21.  
Strike: "(b)"  
Insert: "(4)"

Page 3, Line 13.  
Following: line 12  
Insert: "Section 4. Section 53-6-149, MCA, is amended to read:  
"53-6-149. (Temporary) State special revenue fund account -- administration. (1) There is a hospital  
medicaid reimbursement account in the state special revenue fund provided for in 17-2-102.  
~~(2) All money collected under 15-66-102 must be deposited in the account.~~  
— (3) (2) Money in the account must be used by the department of public health and human services to provide  
funding for increases in medicaid payments to hospitals and for the costs of collection of the fee and other  
administrative activities associated with the implementation of increases in the medicaid payments to  
hospitals. (Void on occurrence of contingency--sec. 18, Ch. 390, L. 2003. Terminates June 30, 2005--sec. 20,  
Ch. 390, L. 2003.)"

NEW SECTION. Section 5. Contingent voidness. The expenditures under [this act] cease if a court issues a final  
order that the budget cap has been exceeded."

Renumber: subsequent sections

April 18, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana,  
I hereby veto Senate Bill 153, "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN  
SERVICES TO REPORT TO AN APPROPRIATE LEGISLATIVE INTERIM COMMITTEE ON THE  
DEPARTMENT'S PROGRESS IN MEETING SPECIFIED GOALS AND PERFORMANCE INDICATORS AND  
TO POST THOSE GOALS AND PERFORMANCE INDICATORS ON THE DEPARTMENT'S WEBSITE;  
ALLOWING THE DEPARTMENT TO AMEND THOSE GOALS AND PERFORMANCE INDICATORS AND  
ITS PROGRESS REPORTS UNDER CERTAIN CONDITIONS; SPECIFYING GOALS AND PERFORMANCE

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EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2005

INDICATORS FOR THE DEPARTMENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.”

While I share Senator Cobb’s objective of having performance measurements and goals for state agencies, three principles underline my veto action today.

First and foremost, the Department of Public Health and Human Services must keep its staff focused on the needs of the people they serve.

Second, generating a multitude of reports and paperwork that may not be needed for a particular purpose actually creates redundancy and takes away from effective government operations and customer service. DPHHS already produces a significant amount of statistical information that is adequate for future planning. This information is provided to interim committees of the legislature on a regular basis. It provides sufficient information to make appropriate decisions on future service needs and their effectiveness. DPHHS will continue to be responsive to the requests of legislative committees and provide information that can be readily obtained and that will assist the legislature, the executive branch and the public. Also, most, if not all, of the information is already available upon request from the Department of Public Health and Human Services.

Third, the executive branch understands and appreciates the need for legislative direction in the establishment of government programs, the persons to be served and the services provided. SB 153, however, is overly prescriptive and micromanages work that should be within the province of the executive agency.

Increasing efficiency in state agencies is a priority of my administration and I look forward to working with Senator Cobb and other members of the legislature in focusing on this task.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division

April 18, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

RE: Senate Bill 224 - Amendatory Veto

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 224, **“AN ACT ALLOWING A SCHOOL DISTRICT TO PROVIDE**

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2005

**EDUCATIONAL SERVICES AT AN OFFSITE INSTRUCTIONAL SETTING TO CHILDREN ATTENDING SCHOOL IN THE SCHOOL DISTRICT; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO ADOPT RULES; REVISING THE DEFINITION OF "AVERAGE NUMBER BELONGING" TO CLARIFY THE INCLUSION OF PUPILS EDUCATED OFFSITE; DEFINING "OFFSITE INSTRUCTIONAL SETTING"; AMENDING SECTION 20-1-101, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE,"** for the following reason.

The sponsor of the bill, Senator Laslovich, requested the proposed amendments. They were passed by the Senate on second reading, but as a result of a clerical error, they were never placed on the bill. The proposed amendments clarify and improve the definition of "offsite instructional setting" contained in the bill. The amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division  
Linda McCulloch

Amendments to Senate Bill No. 342  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by the Office of the Governor

1. Page 3, line 1.  
Following: "LOCATION"  
Insert: ","  
Strike: "THE"  
Insert: "a"

2. Page 3, line 2.  
Following: "SITE"  
Insert: ","  
Strike: "AN ACCREDITED SCHOOL DELIVERS"  
Insert: "a school district provides for the delivery of"

April 18, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 18, 2005

RE: Senate Bill 342 - Amendatory Veto

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 342, **“AN ACT CREATING AN ALTERNATIVE PROJECT DELIVERY CONTRACT PROCESS FOR CERTAIN CONSTRUCTION PROJECTS OF STATE AGENCIES AND CERTAIN LOCAL GOVERNMENTS; ESTABLISHING REQUIREMENTS THAT MUST BE MET IN ORDER TO USE AN ALTERNATIVE PROJECT DELIVERY CONTRACT; REQUIRING JUSTIFICATION FOR AN ALTERNATIVE PROJECT DELIVERY CONTRACT; REQUIRING A STATE AGENCY OR CERTAIN LOCAL GOVERNMENTS THAT USE AN ALTERNATIVE PROJECT DELIVERY CONTRACT TO STATE THE REASONS FOR SELECTING THE CONTRACTOR SELECTED; AND AMENDING SECTIONS 7-5-2301, 7-5-4302, 18-1-102, 18-2-103, 18-4-124, 20-6-606, 20-9-204, AND 67-11-201, MCA,”** for the following reasons.

Senator Laslovich requested the proposed amendment, at the request of the Department of Administration.

The proposed amendment makes the public notice requirements for alternative project delivery contracts entered by state agencies identical to the public notice requirements, generally, for state building construction contracts in excess of \$75,000, as provided in § 18-2-301, MCA. Under the bill in its current form, the public notice requirements for state contracts is expressed in two different ways, one of which, found in subsection (1)(a) of section 3 of the bill would require notice in eighty-four newspapers around the state. The Department of Administration projects that cost as \$15,000 per project. Under my proposed amendment, advertising would be required only in the seat of government and in the county where the work is to be performed. My proposed amendment also eliminates the inconsistency of the two notice requirements contained in the bill in its current form.

My proposed amendment also pertains to the definition of “request for qualifications” as used in section 3 of the bill. The bill adopts the definition for that term found in § 60-2-134, MCA. However, the definition of “request for qualifications” in 60-2-134 applies only to “design-build” contracts. Senate Bill 342 authorizes “construction management” contracts and “general contractor construction management” contracts, so the definition of “request for qualifications” contained in 60-2-134 is inconsistent with and contradictory to the remainder of Senate Bill 342.

The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division  
Janet Kelly, Director, Department of Administration

Amendments to Senate Bill No. 342  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by the Greg Petesch

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1. Page 2, line 7.

**Strike:** "2-3-104,"

**Following:** "7-1-4127"

**Insert:** "18-2-301,"

2. Page 3, line 14 through line 17.

**Following:** "~~proposals~~" on line 14

**Strike:** remainder of line 14 through "BODY" on line 17

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 540, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Jackson, W. Jones, Lake, Maedje, Ripley, Sales, Sinrud, Taylor.  
Total 14

Excused: Koopman.  
Total 1

Absent or not voting: Butcher, Waitschies.  
Total 2

**SB 462** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, McAlpin, McKenney, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

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Total 47

Excused: Koopman.

Total 1

Absent or not voting: Klock.

Total 1

**SB 525** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, W. Jones, Maedje, Malcolm, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 26

Excused: Koopman.

Total 1

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 60 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 60** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 86

Noes: Balyeat, D. Brown, R. Brown, Butcher, Hawk, Himmelberger, Jayne, Lambert, MacLaren, Malcolm, Rice, Ripley, Sales, Wagman.

Total 14

Voted Absentee: Koopman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 529 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HB 529** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Everett, Hawk, Heinert, Himmelberger, Koopman, Lake, McGillvray, Sales, Sinrud, Stahl, Stoker, Wagman, Wells.

Total 13

Voted Absentee: Koopman, No.

Excused: None.

Total 0

Absent or not voting: Caferro.

Total 1

**SJR 37** - Representative Roberts moved **SJR 37** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

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Noes: Jackson, Koopman, Mendenhall, B. Olson, Ross, Sales, Waitschies, Wells.  
Total 8

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: Klock.  
Total 1

**SJR 40** - Representative Gutsche moved **SJR 40** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 70

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jackson, Jayne, Koopman, Lambert, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, B. Olson, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies.  
Total 29

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**HB 177 - Free Conference Committee Report No. 1** - Representative A. Olson moved the Free Conference Committee report to **HB 177** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt.  
Total 93

Noes: Galvin-Halcro, Jopek, Koopman.  
Total 3

Voted Absentee: Koopman, No.



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Excused: None.  
Total 0

Absent or not voting: Balyeat, Buzzas, Wiseman, Mr. Speaker.  
Total 4

**HB 227 - Conference Committee Report No. 1** - Representative Gallik moved the Conference Committee report to **HB 227** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Koopman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 606 - Free Conference Committee Report No. 1** - Representative Gutsche moved the Free Conference Committee report to **HB 606** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, Maedje, Sales, Sonju, Wagman.  
Total 10

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

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Absent or not voting: Jopek, Morgan.  
Total 2

**HB 625 - Conference Committee Report No. 1** - Representative Rice moved the Conference Committee report to **HB 625** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Campbell, Galvin-Halcro, Hamilton, Jopek, Windy Boy.  
Total 5

Voted Absentee: Koopman, Aye.

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**SB 40 - Conference Committee Report No. 1** - Representative Barrett moved the Conference Committee report to **SB 40** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Dickenson, Everett, Facey, Glaser, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 65

Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Windy Boy.  
Total 35

Voted Absentee: Koopman, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**SB 107 - Free Conference Committee Report No. 1** - Representative Gutsche moved the Free Conference Committee report to **SB 107** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Koopman.

Total 1

Voted Absentee: Koopman, No.

Excused: None.

Total 0

Absent or not voting: Jent, Raser, Sales.

Total 3

**SB 175** - Representative R. Brown moved consideration of **SB 175** be placed at the bottom of the second agenda of the second reading board. Motion carried.

Chairman McNutt stated the House will stand at ease for five minutes while the pages deliver the second agenda.

House reconvened.

**HB 5 - Senate Amendments** - Representative Wells moved Senate amendments to **HB 5** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Koopman, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 584 - Senate Amendments** - Representative Harris moved Senate amendments to **HB 584** be concurred in. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 52

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 592 - Senate Amendments** - Representative Waitschies moved Senate amendments to **HB 592** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Caferro, Galvin-Halcro, Jayne, Kaufmann.  
Total 4

Voted Absentee: Koopman, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 671 - Senate Amendments** - Representative Musgrove moved Senate amendments to **HB 671** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jayne, Koopman, Lake, Maedje, McGillvray, Rice, Ripley, Sales, Sinrud, Wagman, Wells.  
Total 18

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 689 - Senate Amendments** - Representative Arntzen moved Senate amendments to **HB 689** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Koopman, Aye.

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

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**HB 172 - Governor's Amendments** - Representative Cohenour moved Governor's amendments to **HB 172** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 70

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Dowell, Golie, Hawk, Himmelberger, Jayne, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, Rice, Ripley, Ross, Stoker, Wagman, Ward, Windham.

Total 30

Voted Absentee: Koopman, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 260 - Governor's Amendments** - Representative Clark moved Governor's amendments to **SB 260** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Balyeat, Everett, Hawk, Klock, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Sales, Waitschies, Wells.

Total 14

Voted Absentee: Koopman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7 - Governor's Amendments** - Representative Callahan moved Governor's amendments to **HB 7** be concurred in. Motion **failed** as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 9 - Governor's Amendments** - Representative Witt moved Governor's amendments to **HB 9** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Warden, Wells.  
Total 39

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 175** - Speaker Matthews moved consideration of **SB 175** be passed for the day. Motion carried.

**HB 667 - Senate Amendments** - Representative Wanzenried moved Senate amendments to **HB 667** be concurred

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in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 61

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Wells, Witt.  
Total 38

Voted Absentee: Koopman, No.

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 77

Noes: Balyeat, Barrett, Bergren, Everett, Hawk, Heinert, Hendrick, Lake, MacLaren, Maedje, McGillvray, Mendenhall, A. Olson, B. Olson, Ripley, Ross, Sales, Sinrud, Sonju, Waitschies, Wells.  
Total 21

Excused: Koopman.  
Total 1

Absent or not voting: McNutt.  
Total 1

**REPORTS OF SELECT COMMITTEES**



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**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 287**  
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 287** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 287** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Schmidt, Chairman  
Gillan  
Laible

For the House:

A. Olson  
Parker  
Wilson  
Witt

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 339**  
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 339** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 339** (reference copy -- salmon) be amended as follows:

1. Page 4, line 30.

**Following:** "87-2-202(3)(c),"

**Strike:** "unless"

**Insert:** "or if"

2. Page 5, line 1.

**Following:** "license"

**Strike:** "FOR \$25"

**Following:** "87-2-803(11)"

**Insert:** ", upon payment of \$29, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c)"

3. Page 5, line 15.

**Following:** "\$54,"

**Strike:** "unless"

**Insert:** "or if"

4. Page 5, line 16.

**Following:** "license"

**Strike:** "FOR \$25"

**Following:** "87-2-803(11)"

**Insert:** ", upon payment of \$29, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c)"

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5. Page 7, line 26.

**Following:** "license"

**Strike:** "FOR \$25"

**Following:** "LICENSE,"

**Insert:** "for \$29, plus the resident hunting access enhancement fee provided for in 87-2-202(3)(c),"

6. Page 8, line 8.

**Following:** "to any"

**Strike:** "licensing agent"

**Insert:** "regional department office or to the department headquarters in Helena, by mail or in person,"

7. Page 8, lines 9 and 10.

**Following:** "duty," on line 9

**Strike:** "The" on line 9 through "indicate" on line 10

**Insert:** "The applicant is responsible for providing documentation showing"

For the Senate:

Tropila, Chairman  
Joe Balyeat  
Larson

For the House:

Jent  
Klock  
Milburn  
Noonan

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 445**  
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 445** (reference copy -- salmon) and recommend this Conference Committee report be adopted as follows:

And, recommend that **Senate Bill 445** (reference copy -- salmon) be amended as follows:

1. Page 3, line 4 through line 6.

**Strike:** section 5 in its entirety

**Renumber:** subsequent section

BE ADOPTED

For the Senate:

Mangan  
McGee

WITH NO RECOMMENDATION

For the House:

Andersen  
Ward

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

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**SJR 33**, introduced by Weinberg, Ellingson, Elliott, Essmann, Gebhardt, Harrington, McGee, Schmidt, Shockley, Story, Toole, Wheat, referred to Natural Resources.

**MOTIONS**

Dem. Floor Leader Parker moved that the House suspend the rules to allow for the bills that passed today on 2nd Reading be heard on 3rd Reading today. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 71

Noes: Balyeat, Barrett, D. Brown, Everett, Hendrick, Himmelberger, W. Jones, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sonju, Stahl, Wagman, Waitschies, Ward, Wells.  
Total 27

Excused: Koopman.  
Total 1

Absent or not voting: Driscoll.  
Total 1

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 5**. Motion carried.

The Speaker appointed the following members:

Representative Witt  
Representative Ripley  
Representative Buzzas  
Representative Lenhart

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 584**. Motion carried.

The Speaker appointed the following members:

Representative Himmelberger  
Representative Waitschies  
Representative Harris  
Representative Wiseman

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 592**. Motion carried.

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The Speaker appointed the following members:

Representative Waitschies  
Representative Ross  
Representative Branae  
Representative Facey

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 489**. Motion carried.

The Speaker appointed the following members:

Representative Ripley  
Representative Sonju  
Representative Dickenson  
Representative Gutsche

Rep. Gallik moved the House reconsider its action on Saturday, April 16, 2005, on **HB 146**, for the purpose of placing the bill on 3rd Reading today, Monday, April 17, 2005. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Gallik moved the House reconsider its action on Saturday, April 16, 2005, on **HB 361**, for the purpose of placing the bill on 3rd Reading today, Monday, April 17, 2005.

Rep. D. Brown moved to table Rep. Gallik's motion. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 53

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Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 46

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Maedje moved **SB 501** be withdrawn from the House Taxation Committee, printed and placed on 2nd Reading. This is a limited debate and requires a 3/5 vote.

Rep. Groesbeck moved to table Rep. Maedje's motion. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Lake, Lindeen, Malcolm, McAlpin, McGillvray, Noonan, B. Olson, Parker, Raser, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman.  
Total 65

Noes: Balyeat, Barrett, R. Brown, Campbell, Franklin, Gallik, Glaser, Himmelberger, Jayne, Keane, Klock, Lambert, Lange, Lenhart, MacLaren, Maedje, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Small-Eastman, Stahl, Wagman, Wilson, Witt, Mr. Speaker.  
Total 34

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 60, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy,

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Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Balyeat, D. Brown, Butcher, Hawk, Jayne, Lambert, MacLaren, Malcolm, Mendenhall, Rice, Ripley, Sales, Sinrud, Wagman.  
Total 14

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 529, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 81

Noes: Everett, Hawk, Himmelberger, Jackson, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Wells.  
Total 18

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 37** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Malcolm, Mendenhall, B. Olson, Ross, Sales, Waitschies, Wells.  
Total 7

Excused: Koopman.  
Total 1

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Absent or not voting: MacLaren.  
Total 1

**SJR 40** concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Sinrud, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 70

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Himmelberger, Jackson, Jayne, L. Jones, Lambert, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, B. Olson, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies.  
Total 29

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 177, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Galvin-Halcro, Jopek.  
Total 2

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 227, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk,

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Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Koopman.

Total 1

Absent or not voting: None.

Total 0

**HB 606, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Hawk, Jackson, Lake, Maedje, Sonju, Stahl, Wagman, Waitschies.

Total 8

Excused: Koopman.

Total 1

Absent or not voting: None.

Total 0

**HB 625, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Caferro, Dowell, Franklin, Galvin-Halcro, Groesbeck, Gutsche, Hamilton, Harris, Jopek, Parker, Windy



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Boy.  
Total 11

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 40, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Dickenson, Everett, Facey, Gallik, Glaser, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.  
Total 63

Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lindeen, McAlpin, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa, Wilson, Windy Boy.  
Total 36

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**SB 107, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Golie, Morgan.  
Total 2

Excused: Koopman.  
Total 1

Absent or not voting: None.

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Total 0

**HB 667, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Balyeat, Barrett, Butcher, Everett, Hawk, Hendrick, Jackson, Klock, Lake, Malcolm, Mendenhall, Rice, Ripley, Ross, Sales, Ward, Wells.

Total 17

Excused: Koopman.

Total 1

Absent or not voting: A. Olson, Warden.

Total 2

**HB 671, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 82

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jayne, Klock, Lange, McGillvray, Rice, Ripley, Sales, Sinrud, Sonju, Wells.

Total 17

Excused: Koopman.

Total 1

Absent or not voting: None.

Total 0

**HB 689, as amended by the Senate**, passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin,

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McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Lake.

Total 1

Excused: Koopman.

Total 1

Absent or not voting: None.

Total 0

**HB 172, as amended by the Governor,** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Buzzas, Franklin, Golie, Hawk, Heinert, Jackson, Jayne, Juneau, Keane, Lake, Lambert, MacLaren, Maedje, McGillvray, McKenney, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wells, Windham, Witt.

Total 35

Excused: Koopman.

Total 1

Absent or not voting: None.

Total 0

**HB 9, as amended by the Governor,** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Jackson, L. Jones, Lake, Maedje, Malcolm, Mendenhall, Milburn, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Warden, Wells.

Total 21

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Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 146, Conference Committee Report No. 1**, adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: Koopman.  
Total 1

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker requested to go to order of business #9 for the purpose of a reconsideration motion on **HB 584**. Speaker Matthews stated that to be consistent with the previous 82 days of the session, all reconsideration motions needed to be handled during the one time of motions for the day.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Tuesday, April 19, 2005. Motion carried.

House adjourned at 3:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House

**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 19, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 4/19/2005  
**SJR 36**, be concurred in. Report adopted.  
**SJR 39**, be concurred in. Report adopted.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Leader Brown announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand in recess until 10:25 a.m.

House reconvened at 10:25 a.m.

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-eighth, sixty-ninth, seventieth, and seventy-first legislative days, find the same to be correct.

Barrett, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 4/19/2005  
Signed by the Chief Clerk of the House at 2:00 p.m., April 14, 2005: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 363, HB 536.**  
Signed by the Speaker at 4:10 p.m., April 14, 2005: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 363, HB 536.**  
Signed by the President at 12:00 p.m., April 18, 2005: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 363, HB 536.**  
Delivered to the Governor for approval at 2:00 p.m., April 18, 2005: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 363, HB 536.**  
Signed by the President at 12:00 p.m., April 18, 2005: **HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**  
Delivered to the Secretary of State at 2:15 p.m., April 18, 2005: **HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**  
Signed by the Speaker at 9:30 a.m., April 18, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, HB 377, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB**

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**748, HB 749.**

Signed by the President at 7:30 a.m., April 19, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, HB 377, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Signed by the Chief Clerk of the House at 8:00 a.m., April 18, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the Speaker at 12:00 p.m., April 18, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the President at 7:30 a.m., April 19, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Delivered to the Governor for approval at 8:45 a.m., April 19, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the Chief Clerk of the House at 11:45 a.m., April 19, 2005: **HB 757.**

Signed by the Speaker at 11:55 a.m., April 19, 2005: **HB 757.**

Signed by the President at 11:55 a.m., April 19, 2005: **HB 757.**

Delivered to the Governor for approval at 12:20 p.m., April 19, 2005: **HB 757.**

Correctly enrolled: **HB 4, HB 11, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 757, HB 769, HB 782, HB 790, HB 802, HJR 34.**

Examined by the sponsor and found to be correct: **HB 4, HB 11, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 757, HB 769, HB 782, HB 790, HB 802.**

Signed by the Speaker at 9:30 a.m., April 18, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, HB 377, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Signed by the President at 7:30 a.m., April 19, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, HB 377, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Delivered to the Governor for approval at 8:45 a.m., April 19, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, HB 377, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on House Bill 2**

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Report No. 1, April 18, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report as follows:

And, **House Bill 2** (reference copy -- salmon) amendments as follows:

1. Page A-1, line 6.

**Following:** "BIENNIAL"

**Insert:** "/OTO"

2. Page A-1, line 16.

**Strike:** "1,866,563" [general fund FY06]

**Insert:** "1,778,408" [general fund FY06]

3. Page A-1.

**Following:** line 16

**Insert:** "a. Legislative Audit of Public Defender Services -- SB 146 (OTO) 88,155" [general fund FY06]

4. Page A-1, line 22.

**Following:** "IS"

**Strike:** "CONTINGENT UPON PASSAGE AND APPROVAL OF A BILL DIRECTING"

**Insert:** "for"

5. Page A-8, line 16.

**Strike:** "2,520,000 6,894,496" [state special fund FY06 and FY07]

**Insert:** "1,671,375 5,899,001" [state special fund FY06 and FY07]

6. Page A-8, line 18.

**Strike:** "1,680,000 4,596,330" [state special fund FY06 and FY07]

**Insert:** "1,200,000 3,976,330" [state special fund FY06 and FY07]

7. Page A-9, line 5.

**Following:** "667."

**Insert:** "If the department of public health and human services is successful in obtaining a medicaid 1115 waiver for a premium incentive or premium assistance program, the state auditor's office shall transfer \$994,000 in state special revenue in fiscal year 2007 to the department of public health and human services to be used to match federal medicaid funds.

Funding for Premium Assistance for Small Employers and Provide Tax Relief in the Form of Tax Credits includes the support of 3 new FTE."

8. Page A-13, line 12.

**Strike:** "15,225,114 15,333,786" [general fund FY06 and FY07]

**Insert:** "15,243,834 15,352,506" [general fund FY06 and FY07]

9. Page A-14.

**Following:** line 8

**Insert:** "If Senate Bill No. 48 is not passed and approved, Property Assessment Division is reduced by \$18,720 in general fund money in fiscal year 2006 and by \$18,720 in general fund money in fiscal year 2007."

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10. Page A-14, line 11.

**Strike:** "1,215,810 1,216,591" [general fund FY06 and FY07]

**Insert:** "1,216,870 1,217,039" [general fund FY06 and FY07]

**Strike:** "498,492 498,832" [state special fund FY06 and FY07]

**Insert:** "2,883 3,498" [state special fund FY06 and FY07]

**Strike:** "64,104 64,154" [federal special fund FY06 and FY07]

**Insert:** "64,156 64,206" [federal special fund FY06 and FY07]

11. Page A-15, line 13.

**Strike:** "7,199,544 7,201,322" [proprietary FY06 and FY07]

**Insert:** "7,199,873 7,201,651" [proprietary FY06 and FY07]

12. Page A-16.

**Following:** line 9

**Insert:** "If House Bill No. 425 is not passed and approved, then Administrative Financial Services Division is increased by \$785 in general fund money and \$496,118 in state special revenue in fiscal year 2006 and by \$1,400 in general fund money and \$495,843 in state special revenue in fiscal year 2007, which reflects the current appropriations for administration and enforcement functions relating to unfair trade practices and consumer protection and telemarketing laws in the consumer protection office in the department. The legislative fiscal division and the office of budget and program planning are authorized to transfer all fiscal year 2004 expenditures and fiscal year 2005 appropriations from the department of administration to the department of justice for the purpose of display in the legislative fiscal division 2007 biennium fiscal report."

13. Page A-16, line 25.

**Strike:** "0" [general fund FY06]

**Insert:** "208,849" [general fund FY06]

14. Page A-17, line 9.

**Strike:** "\$205,030 IN GENERAL FUND MONEY IN FISCAL YEAR 2006 AND BY"

15. Page A-17, line 11.

**Strike:** line 11 in its entirety

16. Page A-18, line 1.

**Strike:** "208,849" [general fund FY06]

**Insert:** "0" [general fund FY06]

17. Page A-18, line 2 through line 3.

**Strike:** line 2 through line 3 in their entirety

18. Page B-1, line 6.

**Strike:** "187,809,559 202,223,153" [federal special fund FY06 and FY07]

**Insert:** "188,962,709 203,376,303" [federal special fund FY06 and FY07]

19. Page B-1.

**Following:** line 25

**Insert:** "i. HCSD -- Implement Provisions of HB 667 14,795 18,750 [state special fund FY06 and FY07]

14,795 18,750 [federal funds FY06 and FY07]

j. HCSD -- Implement Change in Medicaid Asset Test for Children 19,814 [general fund FY06]



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19,814 [federal funds FY06]  
51,399 [state special fund FY07]  
51,399" [federal funds FY07]

20. Page B-3, line 14.

**Strike:** "10,371,118 11,007,750" [state special fund FY06 and FY07]  
**Insert:** "10,388,493 11,025,125" [state special fund FY06 and FY07]

21. Page B-4.

**Following:** line 6

**Insert:** "a. OTD -- Implement Provisions of HB 667        101,000 25,000 [state special fund FY06 and FY07]  
149,000 25,000 [federal funds FY06 and FY07]

b. OTD -- Implement Change in Medicaid Asset Test for Children 13,821 13,821" [general fund and federal funds FY06]

22. Page B-4, line 8.

**Strike:** "79,598,043 79,479,691" [federal special fund FY06 and FY07]  
**Insert:** "79,615,081 79,496,134" [federal special fund FY06 and FY07]

23. Page B-4, line 9.

**Strike:** "1,045,546 1,046,098" [state special fund FY06 and FY07]  
**Insert:** "1,071,546 1,072,098" [state special fund FY06 and FY07]

24. Page B-4, line 21.

**Strike:** "800,000 800,000" [general fund FY06 and FY07]  
**Insert:** "860,168 858,263" [general fund FY06 and FY07]

25. Page B-5, line 12.

**Strike:** "341,512,616" [federal special fund FY07]  
**Insert:** "341,879,892" [federal special fund FY07]

26. Page B-5, line 13.

**Strike:** "10,164,070 11,321,943" [state special fund FY06 and FY07]  
**Insert:** "11,892,070 13,764,183" [state special fund FY06 and FY07]

27. Page B-5, line 22.

**Following:** "Restricted"

**Strike:** "/Biennial"

28. Page B-5, line 24.

**Strike:** "1,876,316 4,529,679" [state special fund and federal funds FY06]  
**Insert:** "0 0 [state special fund and federal funds FY06]  
5,847,754" [federal funds FY07]

29. Page B-5, line 25.

**Following:** "Health"

**Strike:** "Rate"

**Insert:** "Direct-Care Worker Wage"

30. Page B-6, line 1.

**Strike:** "2,414,135" [federal special fund FY06]

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**Insert:** "2,112,368" [federal special fund FY06]

31. Page B-6, line 2.

**Strike:** "750,000" [state special funds FY06]

**Insert:** "875,000" [state special fund FY06]

32. Page B-6.

**Following:** line 21

**Insert:** "n. HRD -- Implement Provisions of HB 667 12,830 21,744 [state special fund FY06 and FY07]

12,830 2,349,937" [federal fund FY06 and FY07]

33. Page B-6, line 23.

**Strike:** "130,892,544 130,056,166" [federal special fund FY06 and FY07]

**Insert:** "130,912,385 130,089,876" [federal special fund FY06 and FY07]

34. Page B-6, line 24.

**Strike:** "13,329,328 14,024,887" [state special fund FY06 and FY07]

**Insert:** "13,370,487 14,095,748" [state special fund FY06 and FY07]

35. Page B-8.

**Strike:** lines 18 through 21 in their entirety

36. Page B-9.

**Following:** line 14

**Insert:** "Human and Community Services Division includes \$749,002 in federal funds in fiscal year 2006 and \$749,002 in federal funds in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 529. If House Bill No. 529 is not passed and approved, funding for Human and Community Services Division is reduced by \$749,002 in federal funds in fiscal year 2006 and \$749,002 in federal funds in fiscal year 2007."

Human and Community Services Division includes \$404,148 in federal funds in fiscal year 2006 and \$404,148 in federal funds in fiscal year 2007 that are contingent upon passage and approval of Senate Bill No. 29. If Senate Bill No. 29 is not passed and approved, funding for Human and Community Services Division is reduced by \$404,148 in federal funds in fiscal year 2006 and \$404,148 in federal funds in fiscal year 2007."

37. Page B-9, line 15 through 17.

**Following:** "expended for"

**Strike:** "the following purposes: (1) abstinence education;"

**Insert:** "abstinence education."

**Renumber:** subsequent subsections

38. Page B-9.

**Following:** line 18

**Insert:** "TANF funds and general fund money supporting TANF maintenance of effort may be expended for the following purposes only if beginning on October 1, 2005, the cash assistance benefit level is at or above 33% of the 2005 federal poverty level index and funding for the work readiness component (WoRC) program is maintained at or above fiscal year 2005 levels:"

39. Page B-10.

**Following:** line 19

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**Insert:** "Funding in HCSD -- Implement Provisions of HB 667, OTD -- Implement Provisions of HB 667, and HRD -- Implement Provisions of HB 667 is contingent upon passage and approval of House Bill No. 667. Funding in HCSD -- Implement Provisions of HB 667 includes funding for 1 FTE for eligibility determination. Funding in HRD -- Implement Provisions of HB 667 includes funding for 1 FTE to administer the medicaid 1115 waiver for a premium incentive or premium assistance program associated with House Bill No. 667."

Funding in HCSD -- Implement Change in Medicaid Asset Test for Children, OTD -- Implement Change in Medicaid Asset Test for Children, and Raise Asset Limit for Medicaid Eligibility for Children is contingent upon passage and approval of House Bill No. 552. Funding in HCSD -- Implement Change in Medicaid Asset Test for Children includes funding for 3 FTE."

40. Page B-11.

**Following:** line 20

**Insert:** "If Senate Bill No. 137 is not passed and approved, funding in the Public Health and Safety Division is decreased by \$17,375 in state special revenue in each year of the biennium."

41. Page B-13, line 23.

**Following:** "includes"

**Strike:** "\$30,936"

**Insert:** "\$15,468"

42. Page B-14.

**Following:** line 16

**Insert:** "Disability Services Division includes \$10,000 in state special revenue and \$17,038 in federal funds in fiscal year 2006 and \$10,000 in state special revenue and \$16,443 in federal funds in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 513. If House Bill No. 513 is not passed and approved, funding in Disability Services Division is reduced by \$10,000 in state special revenue and \$17,038 in federal funds in fiscal year 2006 and by \$10,000 in state special revenue and \$16,443 in federal funds in fiscal year 2007."

Disability Services Division includes \$16,000 in state special revenue in fiscal year 2006 and \$16,000 in state special revenue in fiscal year 2007 that are contingent upon passage and approval of Senate Bill No. 433. If Senate Bill No. 433 is not passed and approved, funding in Disability Services Division is reduced by \$16,000 in state special revenue in fiscal year 2006 and \$16,000 in state special revenue in fiscal year 2007."

43. Page B-14, line 17.

**Strike:** "APPROPRIATION FOR DISABILITY SERVICES DIVISION, HEALTH RESOURCES DIVISION, AND SENIOR AND LONG-TERM CARE DIVISION MAY NOT BE EXPENDED UNTIL RATE"

**Insert:** "Rate"

44. Page B-14, line 19.

**Following:** "SERVICES"

**Strike:** "HAVE BEEN"

**Insert:** "should be"

45. Page B-14, line 20.

**Following:** "INCREASES"

**Strike:** "MUST BE"

**Insert:** "should be"

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46. Page B-15.

**Following:** line 7

**Insert:** "Funding in Montana Developmental Center Bed Tax includes \$60,168 in general fund money in fiscal year 2006 and \$58,263 in general fund money in fiscal year 2007 that is contingent upon passage and approval of Senate Bill No. 82. If Senate Bill No. 82 is not passed and approved, general fund money in Montana Developmental Center Bed Tax is reduced by \$60,168 in fiscal year 2006 and \$58,263 in fiscal year 2007."

47. Page B-15, lines 8 and 9.

**Following:** "INCREASE," on line 8

**Strike:** the remainder of line 8 through "INCREASE" on line 9

48. Page B-15.

**Following:** line 11

**Insert:** "If Senate Bill No. 324 is not passed and approved, funding in the Health Resources Division is decreased by \$1,728,000 in state special revenue in fiscal year 2006 and by \$2,442,240 in state special revenue in fiscal year 2007, which includes funding for 9 FTE and associated operating costs in each year of the biennium."

49. Page B-16.

**Strike:** lines 15 through 17 in their entirety

**Insert:** "If House Bill No. 552 is passed and approved in a form that does not include an appropriation of general fund money or state special revenue for \$1,876,318, then state special revenue in Raise Asset Limit for Medicaid Eligibility for Children is increased by \$1,876,318 in fiscal year 2007 from the health and medicaid initiatives state special revenue fund."

50. Page B-16, line 18.

**Following:** "Health"

**Strike:** "Rate"

**Insert:** "Direct-Care Worker Wage"

51. Page B-16, line 23.

**Following:** "Health"

**Strike:** "Rate"

**Insert:** "Direct-Care Worker Wage"

52. Page B-17, line 1.

**Following:** "HEALTH"

**Strike:** "RATE"

**Insert:** "Direct-Care Worker Wage"

53. Page B-17.

**Following:** line 13

**Insert:** "If House Bill No. 749 is not passed and approved, funding in the Senior and Long-Term Care Division is decreased by \$41,159 in state special revenue in fiscal year 2006 and by \$70,861 in state special revenue in fiscal year 2007 and by \$19,841 in federal special revenue in fiscal year 2006 and by \$33,710 in federal special revenue in fiscal year 2007."

54. Page C-3, line 25.

**Strike:** "3,037,170 3,045,437" [state special fund FY06 and FY07]

**Insert:** "3,052,681 3,060,902" [state special fund FY06 and FY07]

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55. Page C-4.

**Following:** line 16

**Insert:** "At the beginning of fiscal year 2006, \$177,700 from the general license account is transferred to the water adjudication fund as payment of water adjudication fees related to water rights held by the department."

56. Page C-6.

**Following:** "foundation." on line 3

**Insert:** "The department may provide the use of office space and office equipment for the fish, wildlife, and parks foundation staff. The department may fund operations and personal services of its own employees to act as liaisons with the fish, wildlife, and parks foundation for the sole purpose of representing the interest of the department."

57. Page C-7.

**Following:** line 4

**Insert:** d."Water Adjudication Fees -- HB 22 (Restricted) 16,620" [federal special revenue FY06]

58. Page C-8, line 2.

**Strike:** "10,868,600 10,956,843" [state special fund FY06 and FY07]

**Insert:** "10,824,800 10,898,943" [state special fund FY06 and FY07]

59. Page C-8.

**Following:** line 15

**Insert:** "g. CAFO Inventory (Restricted/Biennial/OTO) 25,000 25,000" [state special fund FY06 and FY07]

60. Page C-9, line 1.

**Following:** "APPROVED"

**Insert:** "in a form that does not require a programmatic EIS to be completed"

61. Page C-11, line 16.

**Strike:** "2,593,128 2,594,133" [state special fund FY06 and FY07]

**Insert:** "2,663,603 2,664,515" [state special fund FY06 and FY07]

62. Page C-11.

**Strike:** line 22 through line 23 in their entirety

**Renumber:** subsequent subsections

63. Page C-12.

**Following:** line 24

**Insert:** "j. Clark Fork River Task Force (Biennial) 12,500 12,500" [state special fund FY06 and FY07]

64. Page C-16, line 17.

**Following:** **Program**

**Insert:** "f. Main Street Program (OTO)"

65. Page D-1.

**Following:** line 23

**Insert:** "2. Office of Consumer Protection (02)

785 496,118 1,400 495,843" [general fund/state special FY06 and general fund/state special FY07]

**Renumber:** subsequent subsections

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66. Page D-4, line 7.

**Strike:** "2,937,349 2,934,449" [general fund FY06 and FY07]

**Insert:** "2,916,655 2,916,731" [general fund FY06 and FY07]

67. Page D-5.

**Following:** line 7

**Insert:** "If House Bill No. 425 is not passed and approved, then Office of Consumer Protection is decreased by \$785 in general fund money and \$496,118 in state special revenue in fiscal year 2006 and by \$1,400 in general fund money and \$495,843 in state special revenue in fiscal year 2007, which reflects the current appropriations for administration and enforcement functions relating to unfair trade practices and consumer protection and telemarketing laws in the consumer protection office in the department of administration. The legislative fiscal division and the office of budget and program planning are authorized to transfer all fiscal year 2004 expenditures and fiscal year 2005 appropriations from the department of administration to the department of justice for the purpose of display in the legislative fiscal division 2007 biennium fiscal report."

68. Page D-6, line 19 through line 20.

**Strike:** line 19 through line 20 in their entirety

69. Page D-7, line 7.

**Strike:** line 7 in its entirety

70. Page D-7, line 17.

**Strike:** "Restricted/"

71. Page D-7, line 19.

**Strike:** "15,500 15,500" [state special fund FY06 and FY07]

**Insert:** "50,000 50,000" [state special fund FY06 and FY07]

72. Page D-8.

**Following:** "Secure Facilities (03)" on line 7

**Insert:** "(Biennial)"

73. Page D-8, line 9.

**Strike:** "57,177,904 60,326,441" [general fund FY06 and FY07]

**Insert:** "55,677,904 58,473,128" [general fund FY06 and FY07]

74. Page D-8, line 23.

**Strike:** "6,042,344 6,042,344" [general fund FY06 and FY07]

**Insert:** "7,542,344 7,542,344" [general fund FY06 and FY07]

75. Page D-9.

**Following:** line 15

**Insert:** "If the department determines through forecasts that it will experience a shortfall in the general fund appropriation in either fiscal year of the 2007 biennium for secure facilities, the department may transfer up to \$1,500,000 in general fund money that is available and unencumbered in that fiscal year from Juvenile Placement Funds (Restricted) to Secure Facilities (03)."

76. Page D-10, line 11.

**Strike:** "11,908,459 11,914,737" [state special fund FY06 and FY07]

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**Insert:** "11,930,204 11,935,642" [state special fund FY06 and FY07]

77. Page D-11, line 24.

**Strike:** "14,437 14,437" [state special fund FY06 and FY07]

**Insert:** "114,437 114,437" [state special fund FY06 and FY07]

78. Page E-1, line 6.

**Strike:** "1,000,000 1,000,000" [general fund FY06 and FY07]

**Insert:** "1,155,423 1,155,423" [general fund FY06 and FY07]

79. Page E-1, line 7 through line 8.

**Strike:** lines 7 and 8 in their entirety

**Renumber:** subsequent subsections

80. Page E-1, line 20.

**Strike:** "424,522,296 428,480,986" [general fund FY06 and FY07]

**Insert:** "432,454,324 436,372,548" [general fund FY06 and FY07]

81. Page E-2, line 19 through line 20.

**Strike:** lines 19 and 20 in their entirety

**Renumber:** subsequent subsections

82. Page E-2, line 25.

**Strike:** line 25 in its entirety

83. Page E-3.

**Strike:** line 1 in its entirety

**Strike:** line 15 in its entirety

84. Page E-3, following line 15.

**Insert:** "Base Aid will be decreased by \$183,000 in fiscal year 2007 if Senate Bill No. 48 is not passed and approved.  
Base Aid will be decreased in fiscal year 2006 by \$5,008 if House Bill No. 22 is not passed and approved.  
Base Aid will be decreased by \$21,200 in fiscal year 2007 if Senate Bill No. 296 is not passed and approved.  
Base Aid will be increased by \$700 in fiscal year 2006 and by \$263,400 in fiscal year 2007 if Senate Bill No. 276 is not passed and approved."

85. Page E-4, line 19.

**Strike:** "165,978 167,702" [state special fund FY06 and FY07]

**Insert:** "180,978 182,702" [state special fund FY06 and FY07]

**Strike:** "602,734 602,734" [federal special fund FY06 and FY07]

**Insert:** "617,734 617,734" [federal special fund FY06 and FY07]

86. Page E-4, line 20.

**Strike:** "367,125 360,905" [general fund FY06 and FY07]

**Insert:** "382,125 375,905" [general fund FY06 and FY07]

87. Page E-4, line 24.

**Strike:** "40,000" [general fund FY06]

**Insert:** "100,275" [general fund FY06]

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88. Page E-9, line 13.

**Strike:** "4,717,503 4,740,648" [general fund FY06 and FY07]

**Insert:** "4,783,103 4,871,848" [general fund FY06 and FY07]

89. Page E-9 line 19.

**Strike:** "1,621,291 1,617,378" [general fund FY06 and FY07]

**Insert:** "1,693,291 1,692,258" [general fund FY06 and FY07]

90. Page E-10.

**Following:** line 12

**Insert:** "'o. New Extension Agent for Meagher County (Restricted) 35,103 35,103" [general fund FY06 and FY07]

**Renumber:** subsequent subsection

91. Page E-15.

**Following:** line 12

**Insert:** "Extension Service includes \$196,800 in general fund money for an extension cropping specialist and livestock specialist (2 FTE), which must be matched with \$49,200 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source.

Bureau of Mines and Geology includes \$146,880 in general fund money for a coal/coalbed methane geologist (1 FTE), which must be matched with \$36,720 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source."

92. Page E-15.

**Following:** line 16

**Insert:** "New Extension Agent for Meagher County funding is contingent upon approval of a mill levy vote in Meagher County to approve the county matching funds for the new extension agent."

93. Page R-2, line 9 through line 18.

**Strike:** line 9 through line 18 in their entirety

94. Page R-2.

**Following:** line 18

**Insert:** "Total Allocation of Costs \$182,525 \$182,525" [FY06 and FY07]

95. Page R-2, line 20 through page 3, line 6.

**Strike:** Page R-2, line 20 through page R-3, line 6 in their entirety

96. Page R-3.



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**Following:** line 6

**Insert:** "Total Allocation of Costs \$537,492 \$537,492" [FY06 and FY07]

97. Page R-3.

**Following:** line 17

**Insert:** "If House Bill No. 425 is passed and approved, Legal Services Unit Total Allocation of Costs is reduced by \$49,631 in fiscal year 2006 and by \$49,631 in fiscal year 2007. The department may reallocate the costs of the Legal Services Unit to programs served by the unit as necessary to address impacts because of House Bill No. 425."

98. Page R-3.

**Following:** line 21

**Insert:** "Capitol Grounds Maintenance \$0.3896/sq.ft. \$0.3896/sq.ft." [FY06 and FY07]

99. Page R-4.

**Following:** line 15

**Insert:** "Capitol Grounds Maintenance is contingent upon passage and approval of House Bill No. 109."

100. Page R-6, line 15

**Following:** "Parks"

**Strike:** remainder of line 15

101. Page R-6, line 16.

**Strike:** line 16 in its entirety

**Renumber:** subsequent subsection

102. Page R-6, line 17.

**Strike:** "% "

**Insert:** "percent"

103. Page R-6.

**Following:** line 17

**Insert:** "If House Bill No. 109 is not passed and approved, the following is added to the department of fish, wildlife, and parks rates in this section:

Capitol Grounds Maintenance \$0.3896/sq.ft. \$0.3896/sq.ft." [FY06 and FY07]

WITH NO RECOMMENDATION

For the House:

Buzzas  
Franklin  
Sinrud  
Wells

BE ADOPTED

For the Senate:

Cooney, Chairman  
Cobb  
Tester

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 46**  
Report No. 1, April 18, 2005

Mr. Speaker and Mr. President:

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We, your Conference Committee met and considered Senate amendments to **House Bill 46** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 46** (reference copy -- salmon) be amended as follows:

1. Page 3, line 11.

**Following:** line 10

**Insert:** "COORDINATION SECTION. Section 5. Coordination instruction. If both House Bill No. 97 and [this act] are passed and approved, then 61-8-731 must be amended as follows:

**"61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or subsequent offense.** (1) ~~On the fourth or subsequent conviction under 61-8-714 or 61-8-722 for~~ Except as provided in subsection (3), if a person is convicted of a violation of 61-8-401 or 61-8-406 and the person has either a single conviction under [section 1 of House Bill No. 46] or any combination of three or more prior convictions under 45-5-104, 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), the person is guilty of a felony and shall be punished by:

(a) sentencing the person to the department of corrections for placement in an appropriate correctional facility or program for a term of 13 months. The court shall order that if the person successfully completes a residential alcohol treatment program operated or approved by the department of corrections, the remainder of the 13-month sentence must be served on probation. The imposition or execution of the 13-month sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and

(c) a fine in an amount of not less than \$1,000 or more than \$10,000.

(2) The department of corrections may place an offender sentenced under subsection (1)(a) in a residential alcohol treatment program operated or approved by the department of corrections or in a state prison.

(3) If a person is convicted of a violation of 61-8-401 or 61-8-406, the person has either a single conviction under [section 1 of House Bill No. 46] or any combination of four or more prior convictions under 45-5-104, 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), and the person was, upon a prior conviction, placed in a residential alcohol treatment program under subsection (2), whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or be fined an amount of not less than \$1,000 or more than \$10,000, or both.

~~(3)~~(4) The court shall, as a condition of probation, order:

(a) that the person abide by the standard conditions of probation promulgated by the department of corrections;

(b) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section;

(c) that the person may not frequent an establishment where alcoholic beverages are served;

(d) that the person may not consume alcoholic beverages;

(e) that the person may not operate a motor vehicle unless authorized by the person's probation officer;

(f) that the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(g) that the person submit to random or routine drug and alcohol testing; and

(h) that if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system.

~~(4)~~(5) The sentencing judge may impose upon the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

(a) payment of a fine as provided in 46-18-231;

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(b) payment of costs as provided in 46-18-232 and 46-18-233;  
(c) payment of costs of court-appointed counsel as provided in 46-8-113;  
(d) community service;  
(e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or  
(f) any combination of the restrictions or conditions listed in subsections ~~(4)(a)~~ (5)(a) through ~~(4)(c)~~ (5)(c).  
~~(5)(6)~~ Following initial placement of a defendant in a treatment facility under subsection (2), the department of corrections may, at its discretion, place the offender in another facility or program.  
~~(6)(7)~~ The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to persons sentenced under this section."

**Renumber:** subsequent section

For the House:

Everett  
Parker  
Wilson

For the Senate:

Wheat, Chairman  
Laslovich  
McGee

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 175**  
Report No. 2, April 18, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 175** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 175** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

**Following:** "COST" on line 29

**Strike:** remainder of line 29 through the first "PARCEL'S" on line 30

**Insert:** "that the"

**Following:** "ESTIMATED" on line 30

**Strike:** "TRAFFIC FLOWS" through the second "PARCEL'S"

**Insert:** "vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and"

For the Senate:

Cromley, Chairman  
Esp  
Moss

For the House:

Jopek  
Maedje  
McAlpin  
Noennig

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

4/19/2005

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**SB 526**, introduced by Cobb

**Senate joint resolutions** passed and transmitted to the House for concurrence: 4/19/2005

**SJR 33**, introduced by Weinberg

**SJR 42**, introduced by Ryan

**House bills** concurred in and returned to the House: 4/19/2005

**HB 28**, introduced by Wanzenried

**HB 45**, introduced by A. Olson

**HB 249**, introduced by Lindeen

**HB 482**, introduced by Lindeen

**HB 700**, introduced by Mendenhall

**HB 740**, introduced by Heinert

**HB 758**, introduced by McNutt

**HB 761**, introduced by Noonan

**Senate bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/19/2005

**SB 115**, introduced by Tester

**SB 213**, introduced by Story

**SB 222**, introduced by Barkus

**SB 293**, introduced by Black

**SB 345**, introduced by Mangan

**SB 499**, introduced by Keenan

**SB 511**, introduced by Mangan

**Senate joint resolutions** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/19/2005

**SJR 6**, introduced by Wheat

**SJR 11**, introduced by Laible

**SJR 20**, introduced by Curtiss

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/19/2005

**HB 713**, introduced by Franklin

**House amendments not** concurred in as amended: 4/19/2005

**SB 516**, introduced by Gillan

**Conference Committee Report No.1** adopted on 2nd Reading: 4/19/2005

**HB 218**, introduced by B. Olson

**HB 272**, introduced by Lambert

**Free Conference Committee Report No.1** adopted on 3rd Reading: 4/19/2005

**HB 99**, introduced by Lange

**HB 177**, introduced by A. Olson

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**HB 606**, introduced by Gutsche  
**SB 107**, introduced by Smith

**Conference Committee Report No.1** adopted on 3rd Reading:

4/19/2005

**HB 218**, introduced by B. Olson  
**HB 227**, introduced by Galvin-Halcro  
**HB 348**, introduced by Buzzas  
**HB 540**, introduced by Dickenson  
**SB 40**, introduced by McGee  
**SB 139**, introduced by Esp  
**SB 175**, introduced by Cromley  
**SB 461**, introduced by Steinbeisser

**SB 319** - The Senate failed to concur in House amendments to **SB 319**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 319**:  
4/19/2005

Senator Cobb  
Senator Ellingson  
Senator Wheat

**SB 489** - The Senate failed to concur in House amendments to **SB 489**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 489**:  
4/19/2005

Senator Gebhardt  
Senator Lind  
Senator Wheat

**SB 154** - The Senate dissolved the Conference Committee on Senate amendments to **SB 154**, and authorized the President to appoint the following **Free** Conference Committee, and requests the House appoint a like committee to confer on **SB 154**:

4/19/2005

Senator Cobb  
Senator Williams  
Senator Lind

**Governor's amendments** to **Senate bills** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/19/2005

**SB 212**, introduced by Esp  
**SB 401**, introduced by Laslovich

**Conference Committee Report No. 1 not** adopted by the Committee of the Whole:

4/19/2005

**HB 625**, introduced by Rice

**HB 531** - The Senate acceded to the request of the House to appoint a conference committee and authorized the President to appoint the following Conference Committee to confer on **HB 531**:

4/19/2005

Senator Black

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Senator Schmidt  
Senator Tropila

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 526**, introduced by Cobb, referred to Appropriations.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 42**, introduced by Ryan, Joe Balyeat, Brueggeman, Cobb, Cocchiarella, Essmann, Gebhardt, Laible, Larson, Lewis, McGee, O'Neil, Pease, Perry, Roush, Shockley, Squires, Steinbeisser, Story, Tester, Tropila, Wheat, referred to Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 713 - Senate Amendments** - Representative Franklin moved Senate amendments to **HB 713** be concurred in. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sales, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 68

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Roberts, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 35** - Representative Arntzen moved **SJR 35** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan,

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Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Heinert, Henry, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Balyeat, Barrett, Buzzas, Everett, Glaser, Gutsche, Harris, Hawk, Hendrick, Himmelberger, Hiner, Jayne, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 38** - Representative Roberts moved **SJR 38** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Wagman, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Everett, Hawk, Jayne, Lake, MacLaren, Malcolm, Mendenhall, B. Olson, Ross, Stoker, Taylor, Waitschies, Warden.

Total 13

Excused: None.

Total 0

Absent or not voting: Villa.

Total 1

**SJR 41** - Representative Franklin moved **SJR 41** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 70

Noes: Arntzen, Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Klock, Koopman, Lake, Lange,

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MacLaren, Malcolm, Mendenhall, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 175 - Conference Committee Report No. 1** - Representative Jopek moved the Conference Committee report to **SB 175** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 72

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Himmelberger, Jackson, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stoker, Wagman, Waitschies, Ward, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 287 - Free Conference Committee Report No. 1** - Representative Parker moved the Free Conference Committee report to **SB 287** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Barrett, Jayne, Koopman, Waitschies.

Total 4

Excused: None.

Total 0



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Absent or not voting: None.  
Total 0

**SB 339 - Free Conference Committee Report No. 1** - Representative Milburn moved the Free Conference Committee report to **SB 339** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Bixby, Buzzas, Dickenson, Juneau, Small-Eastman.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 445 - Conference Committee Report No. 1** - Representative Andersen moved the Conference Committee report to **SB 445** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.  
Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 212 - Governor's Amendments** - Representative Maedje moved Governor's amendments to **SB 212** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas,

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Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Koopman, Morgan, Sales, Stahl, Windy Boy.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 401 - Governor's Amendments** - Representative Gallik moved Governor's amendments to **SB 401** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Juneau.  
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted.

Dem. Floor Leader Parker made a **substitute motion** that **SB 287** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Musgrove, Noennig, Noonan,

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A. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Stoker, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 65

Noes: Andersen, Balyeat, Everett, Glaser, Hawk, Heinert, Jackson, Jayne, W. Jones, Klock, Koopman, Lambert, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Villa, Wagman, Waitschies, Ward, Wells.

Total 33

Excused: None.

Total 0

Absent or not voting: Himmelberger, Mr. Speaker.

Total 2

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee on **HB 584** and reappoint a Free Conference Committee.

Rep. Waitschies objected. Rep. Harris, the bill sponsor, had requested a **Free** Conference Committee. Motion to dissolve the Conference Committee and appoint a **Free** Conference Committee **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the House suspend the rules to allow for hearing the bills that passed on 2nd Reading today on 3rd Reading today. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl,

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Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Heinert, W. Jones, Koopman, Maedje, Mendenhall, Morgan, Sales, Sinrud, Wagman, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: Gutsche.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 713, as amended by the Senate,** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Stahl, Stoker, Taylor, Wagman, Warden, Wells.

Total 30

Excused: None.

Total 0

Absent or not voting: Sinrud.

Total 1

**SJR 35** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Heinert, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Barrett, Buzzas, Everett, Gutsche, Harris, Hawk, Hendrick, Hiner, Jayne, Koopman, Lake, Lambert, Lange,

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Malcolm, McGillvray, Mendenhall, Morgan, B. Olson, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 38** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Everett, Hawk, Jayne, Lake, Lange, MacLaren, Malcolm, Mendenhall, B. Olson, Ross, Stoker, Waitschies, Warden.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 41** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 70

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Mendenhall, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 175, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, Everett, Hawk, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stoker, Wagman, Waitschies, Ward, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 339, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Buzzas.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 445, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Franklin, Gallik, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

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Total 58

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Malcolm, McAlpin, Musgrove, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 212, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Bixby, Koopman, Stahl, Windy Boy.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 401, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: D. Brown, Himmelberger, Malcolm, McGillvray, Mendenhall, Morgan, Sales, Sonju, Wagman, Wells.

Total 10

Excused: None.

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Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 531**  
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 531** (reference copy -- salmon) and recommend this Conference Committee report as follows:

And, recommend that **House Bill 531** (reference copy -- salmon) be amended as follows:

1. Page 2, line 3.  
**Strike:** "\$375,000"  
**Insert:** "\$750,000"

WITH NO RECOMMENDATION  
For the House:

Franklin  
Hawk  
Lenhart  
Sales

BE ADOPTED  
For the Senate:

Schmidt, Chairman  
Ryan

Dem. Floor Leader Parker moved the House stand in recess.

Speaker Matthews stated the House will stand at ease until 1:00 p.m. Without objection, so ordered.

House reconvened at 1:00 p.m.

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Peterson, Chairman):  
**SJR 33**, be concurred in. Report adopted.  
**SJR 42**, be concurred in. Report adopted.

4/19/2005

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**



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on **Senate Bill 114**  
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 114** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 114** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 9.

**Strike:** "CREATING" on line 5 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.

**Strike:** "33-1-1202" through "33-1-1302"

3. Page 1, line 17 through page 3, line 28.

**Strike:** section 1 through section 3 in their entirety

**Renumber:** subsequent sections

4. Page 4, line 14 through line 15.

**Strike:** "AND SHALL" on page 4, line 14 through "OR BOTH," on page 4, line 15

**Insert:** "punishable as provided in 46-18-213"

5. Page 4, line 30 through page 5, line 1.

**Strike:** "AND SHALL" on page 4, line 30 through "OR BOTH" on page 5, line 1

**Insert:** "punishable as provided in 46-18-213"

6. Page 5, line 17 through line 18.

**Strike:** "A FELONY" on line 17 through "OR BOTH" on line 18

**Insert:** "theft under 45-6-301"

For the Senate:

Cocchiarella, Chairman

Grimes

Tester

For the House:

Harris

McKenney

Parker

Sonju

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 154**  
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 154** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 154** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

**Following:** "ENTITY;"

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**Insert:** "PROVIDING FOR THE RETURN OF EXCESS PREMIUM HELD IN RESERVE; PROVIDING FOR AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO DEPOSIT EXCESS PREMIUM AND UNEXPENDED APPROPRIATIONS FOR THE PURPOSES OF THE PROGRAM;"

2. Title, line 10.

**Strike:** "SECTION"

**Insert:** "SECTIONS 17-7-304 AND"

3. Page 1, line 14.

**Insert:** "Section 1. Section 17-7-304, MCA, is amended to read:

**"17-7-304. Disposal of unexpended appropriations.** (1) All money appropriated for any specific purpose except that appropriated for the university system units listed in subsection (2) or state money appropriated for the state children's health insurance program provided for in Title 53, chapter 4, part 10, and except as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the several funds and accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may be used for the years for which the appropriation was made or may be used to fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

(2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with central offices in Butte must, after the expiration of the time for which appropriated, revert to an account held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases prepared by the affected university system units and approved by the board of regents. The affected university system units may, with the approval of the board of regents, modify the long-term plan at any time to address changing needs and priorities. The board of regents shall communicate the plan to each legislature, to the finance committee when requested by the committee, and to the office of budget and program planning.

(3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending directed by the governor must revert to the fund or account from which it was originally appropriated.

(4) After the end of a fiscal year, 30% of the money appropriated to an agency for that year by the general appropriations act for personal services, operating expenses, and equipment, by fund type, and remaining unexpended and unencumbered at the end of the year may be reappropriated to be spent during the following 2 years for any purpose that is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may be carried forward and spent must be determined by the office of budget and program planning.""

**Renumber:** subsequent sections

4. Page 2, line 3.

**Following:** "BASIS"

**Insert:** "; or

(d) pay providers on a fee-for-service basis and directly provide administrative services in a self-funded program"

5. Page 2, line 5.

**Following:** "THAN"

**Strike:** "10%"

**Insert:** "12%"

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6. Page 2, line 17 through line 18.

**Strike:** "(B)" on line 17 through "PROGRAM" on line 18

**Insert:** "(4) If the department operates the program by providing administrative services under subsection (2)(a), (2)(b), or (2)(d), the department's administrative expense may not exceed the lesser of 10% or the applicable federal limitation.

(5) (a) An insurance company or other entity that contracts with the department for a fully insured contract as provided in subsection (2)(b) shall calculate the surplus account balance at the end of each contract year and may retain an amount equal to 50% of the risk charge allowed under the contract. The remainder of the surplus balance must be deposited in the state special revenue account provided for in [section 3].

(b) For the purposes of this subsection (5):

(i) "risk charge" means the percentage of the administrative expense allowed in the contract for assuming the risk;

(ii) "surplus account balance" means funds that remain after all claims and all administrative expenses have been paid for a claim period."

7. Page 2, line 19.

**Insert:** "NEW SECTION. Section 3. State special revenue account. (1) There is an account in the state special revenue fund to the credit of the state children's health insurance program administered by the department of public health and human services. Any interest or income derived from the account must be deposited in the account.

(2) Money deposited in this account must be used by the department to cover additional children, to expand eligibility within the limits provided in 53-4-1004, to reduce or maintain premiums, or to establish and maintain a reserve.

(3) The department shall transfer the unexpended balance of an appropriation into the account provided for in subsection (1) at the expiration of the appropriation to be used for the purposes stated in subsection (2)."

**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 53, chapter 4, part 10, and the provisions of Title 53, chapter 4, part 10, apply to [section 3]."

**Renumber:** subsequent sections

8. Page 2, line 25.

**Strike:** "[Section 1] terminates"

**Insert:** "[Sections 1 through 3] terminate"

For the Senate:

Cobb, Chairman  
Lind  
Williams

For the House:

Kaufmann  
Milburn  
Roberts

**CORRECTED FREE CONFERENCE COMMITTEE**  
on **Senate Bill 287**  
Report No. 2, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 287** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 287** (reference copy -- salmon) be amended as follows:

1. Page 2, line 16.

**Following:** "THAT IS"

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**Strike:** "AT LEAST" through "UNITS" on line 16

**Insert:** "certified by the department of justice pursuant to subsection (2)"

2. Page 2.

**Following:** line 16

**Insert:** "(2) (a) If there is not a licensed community pharmacy within a county, then a retail establishment may apply to the department of justice for certification as an establishment that is allowed to sell products that contain any detectable quantity of ephedrine or pseudoephedrine, their salts or optimal isomers, or salts of optical isomers.

(b) The department of justice shall adopt rules to establish criteria for the certification of retail establishments with the intent to limit the available supply of ephedrine and pseudoephedrine to prevent the manufacture of methamphetamine.

(c) The department of justice may certify a retail establishment based on the criteria adopted by rule."

**Renumber:** subsequent subsections

3. Page 2, line 17.

**Strike:** "(4)"

**Insert:** "(5)"

**Following:** "PHARMACY OR"

**Insert:** "certified"

4. Page 2, line 24.

**Following:** "PHARMACY OR"

**Insert:** "certified"

5. Page 3, line 2.

**Following:** "PHARMACY OR"

**Insert:** "certified"

6. Page 3, line 4.

**Following:** "PHARMACY OR"

**Insert:** "certified"

7. Page 3, line 6.

**Strike:** "(2)"

**Insert:** "(3)"

8. Page 3, line 7.

**Following:** "PHARMACY OR"

**Insert:** "certified"

9. Page 3, line 8.

**Following:** "PHARMACY OR"

**Insert:** "certified"

For the Senate:

Schmidt, Chairman  
Laible

For the House:

A. Olson  
Parker  
Wilson

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Witt

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 489**  
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 489** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 489** (reference copy -- salmon) be amended as follows:

1. Page 7, line 18.

**Strike:** "\$1"

**Insert:** "\$1.25"

2. Page 7, line 23.

**Strike:** "\$1"

**Insert:** "\$1.25"

3. Page 7, line 25.

**Strike:** "\$1"

**Insert:** "\$1.25"

4. Page 7, line 29.

**Following:** line 28

**Insert:** "(b) The money spent pursuant to subsection (10)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent."

**Renumber:** subsequent subsections

5. Page 8, line 17.

**Strike:** "(10)(F)"

**Insert:** "(10)(g)"

6. Page 8, line 24.

**Strike:** "(10)(D)"

**Insert:** "(10)(e)"

7. Page 9, line 2.

**Strike:** "(10)(C)"

**Insert:** "(10)(d)"

For the Senate:

Lind, Chairman  
Gebhardt  
Wheat

For the House:

Dickenson  
Gutsche  
Ripley  
Sonju

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Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand in recess until 1:30 p.m.

House reconvened at 1:36 p.m.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 319**  
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 319** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

And, recommend that **Senate Bill 319** (reference copy -- salmon) be amended as follows:

1. Page 22, line 1 through line 3.

**Strike:** section 27 in its entirety

**Insert:** "COORDINATION SECTION. Section 27. Coordination instruction. If House Bill No. 2 is passed and approved and does not include an appropriation of at least \$300,000 to implement the provisions of [this act], then [section 29 of this act] must be amended to read as follows:

"NEW SECTION. Section 29. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, ~~2005~~ 2007.

(2) ~~{Sections 22, 31, 32, 34, and 35 33, 35, AND 36 and this section}~~[SECTIONS 22 AND 26 THROUGH 28 AND THIS SECTION] ~~[Sections 17, 18, 22, and 26 through 28 and this section]~~ are effective on passage and approval.""

BE ADOPTED

For the Senate:

Ellingson, Chairman  
Cobb  
Wheat

WITH NO RECOMMENDATION

For the House:

Facey  
Jent  
Sinrud  
Taylor

**MESSAGES FROM THE SENATE**

**House amendments** concurred in:

5/5/2005

**SB 415**, introduced by Tester

**SB 525**, introduced by Tester

**House joint resolutions** concurred in and returned to the House:

4/19/2005

**HJR 33**, introduced by A. Olson

**HJR 36**, introduced by Ripley

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**HB 5** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 5**:

4/19/2005

Senator Brueggeman  
Senator Cooney  
Senator Ellingson

**HB 584** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 584**:

4/19/2005

Senator Esp  
Senator Hawks  
Senator Wheat

**HB 592** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 592**:

4/19/2005

Senator Black  
Senator Elliott  
Senator Harrington

**SB 260** - The Senate failed to concur in Governor's amendments to **SB 260** and authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on Governor's amendments to **SB 260**:

4/19/2005

Senator Ellingson  
Senator Perry  
Senator Wheat

**SB 516** - The Senate failed to concur in House amendments and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 516**:

4/19/2005

Senator Elliott  
Senator Gillan  
Senator Kitzenberg

**Free Conference Committee Report No.1** adopted on 2nd Reading:

4/19/2005

**HB 2**, introduced by Witt

**Governor's amendments to Senate bills** concurred in and transmitted to the House:

4/19/2005

**SB 167**, introduced by Mangan  
**SB 224**, introduced by Laslovich  
**SB 342**, introduced by Laslovich

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 36** - Representative Wiseman moved **SJR 36** be concurred in. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Milburn, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 75

Noes: Andersen, Balyeat, Everett, Hawk, Hendrick, Jackson, Koopman, Lake, Lambert, Malcolm, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sonju, Waitschies, Ward, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

**SJR 39** - Representative A. Olson moved **SJR 39** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Balyeat, Clark, Everett, Hawk, Koopman, Lake, Malcolm, Mendenhall, Ripley, Ross, Sales, Sonju, Waitschies.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 46 - Conference Committee Report No. 1** - Representative Parker moved the Conference Committee report to **HB 46** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 94

Noes: Balyeat, Jayne, Juneau, Lambert.

Total 4

Excused: None.

Total 0

Absent or not voting: MacLaren, Witt.

Total 2

**HB 2 - Free Conference Committee Report No. 1** - Representative Witt moved the Free Conference Committee report to **HB 2** be **not** adopted. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson,

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Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 81

Noes: Butcher, Hawk, Heinert, Hendrick, Jackson, W. Jones, Koopman, Mendenhall, A. Olson, B. Olson, Peterson, Ross, Sales, Sinrud, Stahl, Waitschies, Wells, Windy Boy, Witt.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 584**  
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 584** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 584** (reference copy -- salmon) be amended as follows:

1. Page 6, line 22.

**Strike:** "LESSER OF THE"

**Strike:** "14%"

**Insert:** "12% "

2. Page 8, line 5.

**Strike:** "THE LESSER OF"

**Strike:** "9%"

**Insert:** "8% "

For the House:

Himmelberger  
Waitschies  
Windy Boy  
Wiseman

For the Senate:

Hawks, Chairman  
Esp  
Wheat

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to

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confer on Governor's amendments to **SB 260**. Motion carried.

The Speaker appointed the following members:

Representative Stoker  
Representative McGillvray  
Representative Parker  
Representative Harris

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 516**. Motion carried.

The Speaker appointed the following members:

Representative Waitschies  
Representative Lake  
Representative McAlpin  
Representative Campbell

Dem. Floor Leader Parker moved the House suspend the rules to allow for hearing the bills that passed on 2nd Reading today on 3rd Reading today. This requires a 2/3 vote. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Balyeat, Heinert, W. Jones, Koopman, Maedje, Mendenhall, Ripley, Sales, Sinrud, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SJR 36** concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck,

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Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Lambert, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Wells.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 39** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Balyeat, Clark, Everett, Hawk, Heinert, Koopman, Lake, Malcolm, McNutt, Mendenhall, Ripley, Ross, Sales, Sinrud, Wagman, Waitschies.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 46, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Balyeat, Jayne, Juneau, Lambert, Maedje, Mendenhall, Sales.

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Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved the House stand at ease until 3:30 p.m. Without objection, so ordered.

Speaker Matthews stated the House will stand at ease until 3:30 p.m.

The House reconvened at 3:34 p.m.

**MESSAGES FROM THE GOVERNOR**

April 19, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 415, "AN ACT CREATING THE MONTANA RENEWABLE POWER PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT; PROVIDING LEGISLATIVE FINDINGS; DEFINING TERMS; PROVIDING A GRADUATED RENEWABLE ENERGY STANDARD; AUTHORIZING ADMINISTRATIVE PENALTIES; PROVIDING A WAIVER PROCESS FOR PUBLIC UTILITIES; ESTABLISHING A PROCUREMENT PROCESS; AUTHORIZING ADVANCE APPROVAL OF CERTAIN PROCUREMENT CONTRACTS BY THE PUBLIC SERVICE COMMISSION; REQUIRING THE SUBMISSION OF PROCUREMENT PLANS; AUTHORIZING THE COMMISSION TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS ACT; PROVIDING THE COMMISSION WITH RULEMAKING AUTHORITY; EXEMPTING COOPERATIVE UTILITIES FROM THE GRADUATED RENEWABLE ENERGY STANDARD; REQUIRING CERTAIN COOPERATIVE UTILITIES TO IMPLEMENT AND ENFORCE THEIR OWN RENEWABLE ENERGY STANDARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

It is vital that the State of Montana develop renewable energy. Renewable energy provides clear economic benefits to electricity consumers in the way of highly favorable prices, diversification of fuel supply, stabilization of rates, and mitigation of the risk of fuel price increases. In addition, the development of renewable energy across our vast state blessed with an abundance of renewable resources will promote much needed local economic development in rural

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Montana.

In order to bring the advantages of renewable energy to Montana I have supported legislation requiring that utilities be required to obtain a certain percentage of their energy supplies from renewable energy. I have also recognized, however, the importance of flexibility in complying with the applicable standards. Accordingly, I have supported allowing waivers from compliance in appropriate circumstances, such as in the highly unlikely event that the acquisition of renewable resources would jeopardize the reliability of the grid, or if the price of renewable energy is prohibitively expensive.

The passage of SB 415 is an important statement by the legislature of the State of Montana recognizing that renewable energy is a critical part of Montana's energy future, and I commend the Senate and House on its passage. I am concerned, however, that a particular aspect of SB 415 will cause the Act to fail to fully live up to its potential.

Section 7 of SB 415 establishes a confusing technical standard for addressing when renewable energy would not have to be acquired because of its cost. In fact, Section 7 creates two such standards: one for utilities that have restructured and one for utilities that have not restructured. In addition, Section 7 treats renewable energy differently than other types of energy production, and thus inappropriately and unduly discriminates against renewable energy.

I believe that in order to ensure that renewable resource development is promoted and not frustrated by a standard that is unfair and difficult to apply, it is advisable to amend SB 415 by clarifying the cost cap standard. I want to emphasize that the amendments I propose are consistent with the intent of Section 7, which is simply that when renewable energy is too expensive it does not need to be acquired.

The proposed amendments are straightforward. First and foremost, the amendments prevent adverse rate impacts to consumers. Second, in setting a cap for the price of renewable energy the Public Service Commission is required to take into account certain specified factors. These factors, such as ancillary services costs needed to integrate the renewable resource into the electrical system and the availability of tax credits, allow for the identification of the true costs of renewable energy to customers. In addition, the Commission would be required to consider the costs of alternative forms of generation so as to provide a valid basis of comparison with renewable resource costs. Third, the amendments provide additional protections to utilities by requiring that cost caps be developed using contested case proceedings.

I believe it is critical that the Public Service Commission be involved in this process. The Commission has the needed expertise to tackle these complex issues, and its record in seeking to safeguard the interests of ratepayers is long-standing and exemplary.

I respectfully request that the legislature agree to these proposed amendments so that the promise of renewable energy development and the benefits it offers can be realized in Montana.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 415

On page 8, line 28, insert a new section 7 (to replace the current "new section 7"):

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Cost caps. The commission shall establish cost caps for each utility in a contested case proceeding for purchases under [section 4(2), (3)(a), (3)(b), (4)(a) and (4)(b)] to prevent adverse rate impacts to consumers, taking into account ancillary services costs, the commodity costs of renewable energy, the availability of tax credits for renewable energy, the costs of alternatives available to the utility, and the purposes of [sections 1 through 7] as set forth in [section 2].”

On page 7, line 4, after the word “procured,” insert:

at a cost less than or equal to the applicable cost caps developed by the commission pursuant to [section 7].”

April 19, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Matthews and President Tester:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 293, “A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ALTERNATIVE FUELS AND PETROLEUM PRODUCTS; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT STANDARDS AND SPECIFICATIONS ENSURING THAT ~~ALL~~ CERTAIN TYPES OF GASOLINE SOLD TO CONSUMERS FOR USE IN MOTOR VEHICLES TO BE OPERATED ON PUBLIC ROADS IS BLENDED WITH ETHANOL AND PROVIDING THAT THE GASOLINE MAY NOT CONTAIN MORE THAN TRACE AMOUNTS LEVELS OF MTBE; METHYL TERTIARY BUTYL ETHER; REDUCING THE TAX INCENTIVE FROM 30 CENTS TO 20 CENTS PER GALLON; REVISING THE TIME IN WHICH TAX CREDITS MAY BE PAID; REDUCING THE AMOUNT OF PAYMENTS THAT MAY BE MADE TO AN ALCOHOL DISTRIBUTOR IN A CALENDAR YEAR FROM \$3 MILLION TO \$2 MILLION; PROVIDING FOR CONTRACTS FOR ETHANOL PRODUCERS ELIGIBLE FOR TAX INCENTIVES; REQUIRING AN ETHANOL PRODUCER TO USE AT LEAST A CERTAIN PERCENTAGE OF MONTANA PRODUCT IN ITS TOTAL PRODUCTION TO QUALIFY FOR THE TAX INCENTIVE; PROVIDING THAT AN ETHANOL FACILITY IS NOT ELIGIBLE FOR THE TAX INCENTIVE UNLESS THE FACILITY PAID A PREVAILING RATE OF WAGES DURING CONSTRUCTION; REVISING REQUIREMENTS FOR BUSINESS PLANS; REMOVING THE REQUIREMENT FOR LOSS OF PRIORITY; REVISING THE CONDITIONS FOR AN IN-STATE INVESTMENT FOR ALCOHOL PRODUCTION TO BE USED FOR FUEL; ALLOWING THE PAYMENT OF DIVIDENDS AND BONUSES UNDER CERTAIN CONDITIONS; CREATING CERTAIN EXCEPTIONS TO THE REQUIREMENT TO USE ETHANOL-BLENDED GASOLINE; REVISING THE CONTINGENCIES ELIMINATING THE PROVISIONS TAXING GASOHOL AND BIODIESEL AT 85 PERCENT OF THE GASOLINE LICENSE TAX AND SPECIAL FUEL TAX RATES; PROVIDING FOR ENFORCEMENT BY THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY; REQUIRING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES ESTABLISHING ALLOWABLE TRACE LEVELS OF METHYL TERTIARY BUTYL ETHER AND ESTABLISHING REPORTING AND SAMPLING REQUIREMENTS; AMENDING SECTIONS 15-70-201, 15-70-204, 15-70-503, 15-70-522, 17-6-317, 82-15-101, 82-15-102, 82-15-103, 82-15-104, 82-15-106, AND 82-15-110, AND 82-15-111, MCA, AND SECTIONS 12 AND 13, CHAPTER 568, LAWS OF 2001; REPEALING SECTION

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~~13, CHAPTER 568, LAWS OF 2001~~ 15-70-245, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATES."

This bill is the real deal. I commend Senator Black for his effort to make sure Montana does not lose the race in this key value added agricultural product. Working together I knew we could get ethanol legislation that will make a real difference for Montana's hard working families. The bottom line is this is good economic policy for the state, especially for rural Montana.

Senate Bill 293 sponsored by Senator Black is a bill that I strongly support. The bill is intended to encourage the production of gasohol blended with Montana produced ethanol. These amendments make the bill easier to administer and strengthen the intent of the legislation.

In its current form SB 293 does not address the intent to encourage the use of production of gasohol to the benefit of Montana producers. My proposed amendments delete the additional three month production rate for the trigger; takes the burden off of stations that blend to make mid-grade 87 octane and still allows 91 octane free ethanol and suspends the provisions in subsection (3)(c) for any year the U.S. Secretary of Agriculture declares any county in Montana a disaster area until August of the following year.

The sponsor of the bill approves of the amendments. The proposed amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division  
Office of Budget and Program Planning  
State Compensation Insurance Fund

Amendments to Senate Bill No. 293  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Title, page 1, line 17.

**Following:** "INCENTIVE;"

**Insert:** "PROVIDING AN EXCEPTION FOR CERTAIN DISASTER DECLARATIONS;"

2. Page 2, lines 10 and 11.

**Following:** "ETHANOL" on line 10

**Strike:** remainder of line 10 through "MONTHS" on line 11

3. Page 2, line 18 through line 19.

**Following:** "ETHANOL" on line 18

**Strike:** remainder of line 18 through "MONTHS" on line 19

4. Page 2, line 29.

**Following:** "BASIS"

**Insert:** "for 3 months"



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5. Page 3, line 7.

**Strike:** "SHALL"

**Insert:** "may"

6. Page 10, line 17

**Following:** "15-70-201,"

**Insert:** "and that is produced in Montana"

7. Page 12, line 11.

**Strike:** "and"

8. Page 12, line 12.

**Following:** "(c)"

**Insert:** "subject to subsection (3)(d),"

9. Page 12, line 18.

**Following:** "production"

**Insert:** "; and (d) the provisions of subsection (3)(c) do not apply in any year in which the United States secretary of agriculture has declared any county in Montana a disaster area and will not apply until August of the following year"

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 287 - Free Conference Committee Report No. 1** - Representative Parker moved the Free Conference Committee report to **SB 287** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Balyeat, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SJR 33** - Representative Dickenson moved **SJR 33** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 42** - Representative Peterson moved **SJR 42** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 531 - Conference Committee Report No. 1** - Representative Franklin moved the Conference Committee report to **HB 531** be adopted. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck,

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Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 114 - Free Conference Committee Report No. 1** - Representative Harris moved the Free Conference Committee report to **SB 114** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 96

Noes: Jayne, Mendenhall, Ripley, Witt.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 154 - Free Conference Committee Report No. 1** - Representative Milburn moved the Free Conference Committee report to **SB 154** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 85

Noes: Becker, Caferro, Everett, Hawk, Hendrick, Koopman, Lake, Morgan, A. Olson, B. Olson, Rice, Sales, Sinrud, Sonju, Waitschies.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7** - Representative Parker moved consideration of **HB 7** be placed at the bottom of the second reading board. Motion carried.

**SB 489 - Free Conference Committee Report No. 1** - Representative Gutsche moved the Free Conference Committee report to **SB 489** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Juneau, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

**SB 167 - Governor's Amendments** - Representative Jopek moved Governor's amendments to **SB 167** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, Everett, Hawk, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lambert, Malcolm, Mendenhall, Morgan, Rice, Ripley, Sales, Taylor, Wagman, Wells.

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Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 224 - Governor's Amendments** - Representative Lake moved Governor's amendments to **SB 224** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Jackson, Mendenhall, Ripley.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342 - Governor's Amendments** - Representative Jacobson moved Governor's amendments to **SB 342** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Everett, Hawk, Koopman, Sales.

Total 4

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Butcher, Hawk, Heinert, Jackson, W. Jones, Koopman, Mendenhall, B. Olson, Sales, Sinrud, Wagman, Wells.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Balyeat, Hendrick.  
Total 2

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 5**  
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 5** (reference copy -- salmon) and recommend this Conference Committee report as follows:

WITH NO RECOMMENDATION  
For the House:

Buzzas  
Lenhart  
Ripley  
Witt

BE ADOPTED  
For the Senate:

Ellingson, Chairman  
Brueggeman  
Cooney

**MESSAGES FROM THE GOVERNOR**

April 19, 2005

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The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 757, "AN ACT ESTABLISHING THE MONTANA ESSENTIAL FREIGHT RAIL ACT; CREATING A REVOLVING LOAN ACCOUNT; PROVIDING FUNDING FOR THE MONTANA ESSENTIAL FREIGHT RAIL ACT REVOLVING LOAN ACCOUNT; PROVIDING GUIDELINES FOR APPLICATIONS AND ELIGIBILITY FOR A LOAN FROM THE REVOLVING LOAN ACCOUNT; PROVIDING FOR MANAGEMENT OF THE ACCOUNT; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR FUNDING THE ACCOUNT; PROVIDING FOR A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 60-11-120, MCA; AND PROVIDING AN EFFECTIVE DATE."

The amendments cover two issues: changing the entity to issue the revenue bonds on the part of the state from the Board of Examiners to the Board of Investments, and having the issuance of the bonds be done pursuant to Title 17, Chapter 5, Part 15. The sponsor of the bill, Rep. Llew Jones, agrees with the amendments.

Entity to Issue the Revenue Bonds

The amendments place the bond issuance function with the Board of Investments rather than the Board of Examiners.

It is not in the best interest of the State for the Board of Examiners to issue conduit bonds, such as the revenue bonds envisioned by HB 757. In this case the State would issue bonds loan the proceeds to a private entity, and then the private entity would make loan repayments that would pay the bonds back. There would be no State credit, State revenue or taxing power pledged to the repayment.

Historically, the Board of Examiners of the State has been the entity to issue Bonds of the State, that is Bonds that really are payable from a state source, a state tax, the general fund, or revenues that the State itself has control over, bonds that bear the rating of the State, bonds that are attributable to the State's debt analysis, etc.

Because the laws that authorize the Board of Examiners to issue debt set forth the State's pledge of revenues for the various types of State debt, the Board of Examiners is not ever really called upon to have to examine the creditworthiness of a state's bond issue.

In a conduit bond transaction, the issuer really is in a position to structure and determine the credit worthiness of the bond issue. For that reason, the State has over the years, created several different conduit bond issuers, i.e. the Board of Investments, the Montana Health Facilities Authority, the State Board of Housing.

It is in the State's best interest over the long term to maintain the "practice" of the Board of Examiners issuing debt that is truly state debt and have it not get in the business of the conduit debt issuance. This bond program makes more sense under the auspices of the Board of Investments, which is experienced in analyzing the credit-worthiness of these kinds of transactions.

Issuing the Bonds Under Title 17, Chapter 5, Part 15.

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By making the bonds in the bill under Title 17, Chapter 5, Part 15 (Economic Development Bonds) we can eliminate much duplicative language in HB 757 and simplify the entire issue of railroad bonds.

All of the necessary protections and authority are in that part, including the payment of costs of issuance from the proceeds of the bonds, an issue that was heretofore unaddressed by the bill.

I respectfully request that the legislature agree to these amendments so that we may be able to efficiently move forward on the acquisition and improvement of rail spurs in Montana.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc Legislative Services Division  
Department of Transportation  
Board of Investments

Amendments to House Bill No. 757  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Page 2, line 3.

**Strike:** "EXAMINERS"

**Insert:** "investments"

2. Page 2, line 4.

**Strike:** "18"

**Insert:** "9"

3. Page 5, line 7.

**Strike:** "18"

**Insert:** "9"

4. Page 5, line 9.

**Strike:** "EXAMINERS CREATED UNDER 2-15-1007"

**Insert:** "investments established in 2-15-1808"

5. Page 5, line 11.

**Strike:** "18"

**Insert:** "9"

6. Page 5, line 14 through line 17.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

7. Page 6, line 24.

**Following:** "BONDS:"

**Insert:** "The bonds must be issued under Title 17, chapter 5, part 15."



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8. Page 8, line 5 through page 11, line 11.

**Strike:** sections 10 through 18 in their entirety

**Renumber:** subsequent sections

9. Page 11, line 13.

**Strike:** "18"

**Insert:** "9"

10. Page 11, line 15.

**Strike:** "18"

**Insert:** "9"

**MOTIONS**

Dem. Floor Leader Parker moved the House suspend the rules to allow for hearing the bills that passed on 2nd Reading today on 3rd Reading today. This requires a 2/3 vote. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: W. Jones, Koopman, Mendenhall, Sales, Wells.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 287, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt,

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Mr. Speaker.  
Total 97

Noes: Jayne, Koopman, Lambert.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 42** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 531, Conference Committee Report No. 1**, adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 46

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 114, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 98

Noes: Jayne, Witt.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 154, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Becker, Everett, Hawk, Koopman, Lake, Lange, Maedje, Sales, Wells.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 489, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert,

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Total 95

Noes: Balyeat, Juneau, Koopman, Mendenhall, Morgan.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 167, as amended by the Governor**, concurred in as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 71

Noes: Andersen, Arntzen, Balyeat, Barrett, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McNutt, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 224, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Jackson, Mendenhall, Ripley, Waitschies.

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Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Everett, Hawk, Koopman, Sales, Sesso.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 319 - Free Conference Committee Report No. 1** - Representative Jent moved the Free Conference Committee report to **SB 319** be adopted. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert,

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Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7** - Representative Parker moved consideration of **HB 7** be passed for the day. Motion carried.

**SB 120 - Governor's Amendments** - Representative R. Brown moved Governor's amendments to **SB 120** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Windy Boy.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 584 - Conference Committee Report No. 1** - Representative Harris moved the Conference Committee report to **HB 584** be adopted. Motion carried as follows:

Ayes: Arntzen, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Noes: Andersen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Sinrud, Stoker,

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Taylor, Waitschies, Ward, Wells, Witt.  
Total 39

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 5 - Conference Committee Report No. 1** - Representative Wells moved the Conference Committee report to **HB 5** be **not** adopted. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, L. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wells, Witt.  
Total 37

Noes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Arntzen, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 32

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on Senate amendments to **HB 592**. Motion carried.

The Speaker appointed the following members:

Representative Waitschies  
Representative Ross  
Representative Branae  
Representative Facey

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Wednesday, April 20, 2005. Motion carried.

House adjourned at 4:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 20, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Clark who sang the Lord's Prayer. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 10:30 a.m.

House reconvened at 10: 33 a.m.

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, and seventy-seventh legislative days, find the same to be correct.

Barrett, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/20/2005

Correctly enrolled: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776.**

Signed by the Chief Clerk of the House at 3:15 p.m., April 19, 2005: **HB 4, HB 11, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 769, HB 782, HB 790, HB 802.**

Signed by the Speaker at 9:00 a.m., April 20, 2005: **HB 4, HB 11, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 769, HB 782, HB 790, HB 802.**

Signed by the President at 9:45 a.m., April 20, 2005: **HB 11.**

Delivered to the Governor at 9:45 a.m., April 20, 2005: **HB 11.**

Signed by the President at 10:45a.m., April 20, 2005: **HB 4, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 769, HB 782, HB 790, HB 802.**

Delivered to the Governor for approval at 11:00 a.m., April 20, 2005: **HB 4, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 769, HB 782, HB 790, HB 802.**

Examined by the sponsor and found to be correct: **HB 348, HB 423, HB 540, HB 678, HB 756, HB 776.**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 260**

HOUSE JOURNAL  
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Report No. 1, April 20, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 260** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 260** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "AND MUST" on line 5 through "FINAL" on line 7

**Insert:** "; PROVIDING A PROCEDURE FOR ISSUING A FINAL WRITTEN DECISION THAT DIFFERS FROM AN ORAL PRONOUNCEMENT OF A"

2. Title, page 1, line 8.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 1, line 17.

**Strike:** "HEARING"

**Insert:** "is considered to be submitted for a final decision"

4. Page 1, line 18.

**Strike:** "90"

**Insert:** "30"

5. Page 1, line 19 through line 24.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) If an agency intends to issue a final written decision in a contested case that grants or denies relief and the relief that is granted or denied differs materially from a final agency decision that was orally announced on the record, the agency may not issue the final written decision without first providing notice to the parties and an opportunity to be heard before the agency."

6. Page 2, line 10.

**Following:** line 9

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to contested case hearings commenced after [the effective date of this act]."

For the Senate:

Wheat, Chairman  
Ellingson  
Perry

For the House:

Harris  
McGillvray  
Parker  
Stoker

**MESSAGES FROM THE SENATE**

Chief Clerk Marilyn Miller read a letter from Senate President to Speaker Matthews stating the recent decision to remove **HB 703** from the Senate agenda and the possibility to rectify the situation without the passage of legislation.

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**House joint resolutions** concurred in and returned to the House:

4/20/2005

**HJR 26**, introduced by Harris  
**HJR 32**, introduced by Sesso  
**HJR 41**, introduced by Campbell  
**HJR 42**, introduced by Jent  
**HJR 43**, introduced by Peterson  
**HJR 44**, introduced by A. Olson  
**HJR 45**, introduced by Himmelberger

**HB 592** - The Senate acceded to the request of the House and authorized the President to appoint a **Free** Conference Committee to confer on **HB 592**.

4/20/2005

Senator Black  
Senator Elliott  
Senator Harrington

**Governor's amendments to House bills** concurred in and returned to the House:

4/20/2005

**HB 9**, introduced by Witt  
**HB 172**, introduced by Cohenour

**Governor's amendments to Senate bill** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/20/2005

**SB 120**, introduced by Keenan  
**SB 415**, introduced by Tester

**Conference Committee Report No.1** adopted on 2nd Reading:

4/20/2005

**HB 5**, introduced by Wells  
**HB 584**, introduced by Harris

**Conference Committee Report No.1** adopted on 3rd Reading:

4/20/2005

**HB 46**, introduced by Parker  
**HB 584**, introduced by Harris  
**SB 175**, introduced by Cromley  
**SB 319**, introduced by Ellingson  
**SB 445**, introduced by McGee

**Free Conference Committee Report No.1** adopted on 2nd Reading:

4/20/2005

**SB 319**, introduced by Ellingson

**Free Conference Committee Report No.1** adopted on 3rd Reading:

4/20/2005

**SB 114**, introduced by Tester  
**SB 154**, introduced by Cobb  
**SB 287**, introduced by Schmidt  
**SB 339**, introduced by Joe Balyeat

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**SB 489**, introduced by Lind

**Conference Committee Report No.1 rejected** by the Committee of the Whole:

4/20/2005

**HB 531**, introduced by Franklin

**SB 120** - The Senate acceded to the request to appoint a Conference Committee to meet with a like Committee from the House on Governor's amendments to **SB 120**:

4/20/2005

Senator Cooney  
Senator Keenan  
Senator Tester

**MESSAGES FROM THE GOVERNOR**

April 20, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

RE: House Bill 11 - Amendatory Veto

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 11, "AN ACT REVISING THE LAWS GOVERNING THE TREASURE STATE ENDOWMENT PROGRAM; REVISING THE USES OF THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT; AUTHORIZING EMERGENCY GRANTS AND MATCHING GRANTS FOR PRELIMINARY ENGINEERING STUDIES; ELIMINATING ANNUAL DEBT SERVICE SUBSIDIES ON LOCAL INFRASTRUCTURE PROJECTS, LOANS FROM THE PROCEEDS OF COAL SEVERANCE TAX BONDS AT A SUBSIDIZED INTEREST RATE, AND DEFERRED LOANS FOR PRELIMINARY ENGINEERING STUDY COSTS; REQUIRING REPORTS TO THE GOVERNOR AND THE LEGISLATURE; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS THROUGH THE TREASURE STATE ENDOWMENT PROGRAM; APPROPRIATING MONEY FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM STATE SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; AUTHORIZING GRANTS FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS UPON GRANTS AND FUNDS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR

HOUSE JOURNAL  
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PRELIMINARY ENGINEERING GRANTS; TERMINATING A PRIOR TREASURE STATE ENDOWMENT GRANT; AMENDING SECTIONS 90-6-703, 90-6-710, AND 90-6-715, MCA, AND SECTION 1, CHAPTER 435, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATE”, for the following reasons.

House Bill 11 is a bill that I support, however it has a serious technical error. House Bill 11, section 13 has a coordination instruction. Language in House Bill 11 is crucial to the operation of House Bill 748, general obligation bonds for water resource projects. House Bill 748 has been sent to the Governor for signature. In HB 11, section 13 the coordination language is incorrect. It strikes Section 9 that allows the payment of debt service. Without correction, bonds authorized in HB 748 cannot be paid with regional water funds, and thus will become an obligation of the general fund. My proposed amendment solves this serious technical error. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 11  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Page 14, line 7.  
**Strike:** "9"  
**Insert:** "10"

April 20, 2005

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

RE: HB 728 - Amendatory Veto

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 728, “AN ACT REVISING FUNDING FOR THE STATE VETERANS’

HOUSE JOURNAL  
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CEMETERY PROGRAM; PROVIDING FOR A STATE VETERANS' CEMETERY IN YELLOWSTONE COUNTY; PROVIDING A STATUTORY APPROPRIATION OF SPECIAL REVENUE; AMENDING SECTIONS 10-2-601, 10-2-603, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE," for the following reasons.

House Bill 728 provides for a veteran's cemetery in Yellowstone County. However, the federal VA veteran's grant is not yet secured. More important, the state veteran's cemetery special revenue account that has some limited funds for the operation, maintenance and administration of the funds will be depleted within five years. An early draft of the bill had \$100,000.00 in funding and that has been stricken.

My proposed amendment requires that the bill is contingent on funding. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 728  
Requested by the Governor  
Prepared by Legislative Council

1. Title. line 8.  
Following: "CEMETERY IN"  
Insert: "MISSOULA COUNTY AND IN"  
Following: "COUNTY"  
Insert: "AS FUNDING ALLOWS"

2. Page 1, line 19.  
Following: "and"  
Insert: "and"  
Following: "City"  
Strike: " "  
Insert: ". A cemetery may be located"  
Following: "Missoula County"  
Strike: " "  
Following: "Yellowstone County"  
Insert: "if funding allows"

April 19, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol

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Helena, MT 59620

RE: SB 428 - Amendatory Veto

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 428, "AN ACT PROVIDING FOR A STATEWIDE 2-1-1 TELEPHONE NUMBER FOR ACCESS AND REFERRAL TO COMMUNITY DISASTER, EMERGENCY, SAFETY, HEALTH, AND HUMAN SERVICES INFORMATION; PROVIDING FOR A MONTANA 2-1-1 COMMUNITY COALITION TO SERVE IN AN ADVISORY CAPACITY; PROVIDING THAT ANY AGENCY THAT SEEKS A NEW PUBLIC INFORMATION TELEPHONE LINE OR HOTLINE SHALL CONSULT WITH THE DEPARTMENT FOR USE OF THE 2-1-1 SYSTEM; PROVIDING FOR SERVICE PROVIDERS AND SCOPE OF SERVICE; PROVIDING FOR A STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR ELIGIBLE ACTIVITIES; REQUIRING BIENNIAL REPORTS TO THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE," for the following reasons.

Senate Bill 428 establishes a 2-1-1 telephone number for public access to information and referral for safety, health, or human services and for information about access to services after a disaster or emergency. The bill directs the appointment of a twenty member coalition. Establishment of the 2-1-1 program will require the use of additional staff and impose additional expenses upon the Department of Public Health and Human Services ("DPHHS"). The fiscal note accompanying the bill explains that the new program would require an appropriation of \$63,000 over the next biennium.

However, section 11 of Senate Bill 428 directs that the new program be conducted with existing employees and within existing funding levels. This provision of Senate Bill 428 turns the bill into an unfunded mandate. Even the bill, in its original form, recognized the need for funding, as it established a special account in the state special revenue fund (section 8 of the bill). DPHHS simply cannot establish this program with existing staff and funding levels.

My proposed amendment eliminates the requirement that the program operate within existing staffing and funding levels and, instead, provides the program shall not operate without an appropriation for that purpose. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 428  
Reference Copy  
Requested by the Governor  
For the Committee of the Whole  
Prepared by the Office of the Governor

2. Page 5, line 26 through line 28.

**Strike:** section 11 in its entirety

**Insert:** "NEW SECTION. Section 11. Contingency on appropriation. [This act] may not be construed to require implementation or operation without an appropriation for that purpose."

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Dem. Floor Leader Parker moved consideration of **HB 2** be placed on a later agenda today. Motion carried.

**HB 757 - Governor's Amendments** - Representative L. Jones moved Governor's amendments to **HB 757** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Koopman, McGillvray, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

Noes: D. Brown, Butcher, Heinert, W. Jones, Koopman, McGillvray, Sales, Sinrud.

Total 8

Excused: None.



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Total 0

Absent or not voting: Himmelberger, Ward.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 5, Conference Committee Report No. 1**, adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ross, Sales, Stahl, Stoker, Taylor, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 584, Conference Committee Report No. 1**, adopted as follows:

Ayes: Arntzen, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 60

Noes: Andersen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Sinrud, Stahl, Stoker, Taylor, Waitschies, Ward, Wells, Witt.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**MOTIONS**

Dem. Floor Leader Parker Moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **SB 120**. Motion carried.

The Speaker appointed the following members:

Representative Kaufmann  
Representative Caferro  
Representative McNutt  
Representative Ripley

Rep. Jopek moved the House reconsider its action on April 19, 2005, on **SJR 33** for the purpose of placing it back on 2nd Reading today. Motion **failed** as followed:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 52

Excused: None.  
Total 0

Absent or not voting: Wilson.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House stand at ease until 12:00 p.m. Motion carried.

Speaker Matthews stated the House will stand at ease until 12:00 p.m.

House reconvened at 12:04 p.m.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Himmelberger announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand at ease until 12:20 p.m.

House reconvened at 12:29 p.m.

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Speaker Matthews stating that he has appointed the following people to the Interim Select Committee on Education pursuant to **SB 525**:

Representative Glaser  
Representative Wagman  
Representative Raser  
Representative Lindeen

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 592**  
Report No. 1, April 20, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 592** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 592** (reference copy -- salmon) be amended as follows:

1. Page 2, line 21.

**Following:** "due."

**Insert:** "The penalty accrues on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing a return."

2. Page 3, line 16.

**Strike:** "1%"

**Insert:** "1.2%"

3. Page 3, line 17.

**Strike:** "15%"

**Insert:** "12%"

4. Page 3, line 19 through line 20.

**Strike:** "if" on line 19 through "\$3,000" on line 20

5. Page 3, line 21 through line 22.

**Strike:** "If" on line 21 through "apply." on line 22

For the House:

Branae  
Facey

For the Senate:

Elliott, Chairman  
Black  
Harrington

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Ross  
Waitschies

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 120**  
Report No. 1, April 20, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 120** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 120** (reference copy -- salmon) be amended as follows:

1. Page 3, line 15.

**Insert:** "NEW SECTION. Section 5. Cessation on collection and expenditure. The collection of the utilization fee under 15-66-102 and 15-66-201 and related expenditures of the revenue authorized in House Bill No. 2 must cease if a court issues a final order that the state expenditure limit contained in 17-8-106 has been exceeded. If expenditures of the revenue authorized in House Bill No. 2 cease, any collected but unexpended utilization fees must be returned to the hospital."

**Renumber:** subsequent sections

For the Senate:

Cooney, Chairman  
Tester

For the House:

Caferro  
Kaufmann  
McNutt  
Ripley

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 260 - Conference Committee Report No. 1** - Representative Parker moved the Conference Committee report to **SB 260** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

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Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 7 - Governor's Amendments** - Representative Callahan moved Governor's amendments to **HB 7** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 11 - Governor's Amendments** - Representative Wells moved Governor's amendments to **HB 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Koopman, McGillvray.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

**HB 728 - Governor's Amendments** - Representative Lange moved Governor's amendments to **HB 728** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 415 - Governor's Amendments** - Representative Groesbeck moved Governor's amendments to **SB 415** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Windham, Wiseman, Mr. Speaker.

Total 45

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Witt.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 428 - Governor's Amendments** - Representative Jacobson moved Governor's amendments to **SB 428** be **not** concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jent, W. Jones,

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Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Furey, Gallik, Glaser, Grinde, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Dickenson, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Becker, Callahan, Cohenour, Dowell, Facey, Gutsche, Heinert, Jacobson, W. Jones, Juneau, Koopman, Sales, Sinrud, Small-Eastman, Villa, Wells.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MESSAGES FROM THE GOVERNOR**

April 20, 2005

The Honorable Jon Tester  
President of the Senate  
State Capitol

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Helena, MT 59620

The Honorable Gary Matthews  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 769, "AN ACT CREATING THE RAIL SERVICE COMPETITION COUNCIL; ESTABLISHING THE MEMBERSHIP AND DUTIES OF THE COUNCIL; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

The amendments cover two issues:

restoring the Director of the Department of Revenue to the Rail Service Competition Council, and insuring that the private sector members bring experience related to transportation to the Rail Service Competition Council.

The sponsor of the bill, Rep. George Golie, agrees with the amendments.

Restoring the Director of the Department of Revenue to the Rail Service Competition Council

The Director of the Department of Revenue (DOR) was on the Council in the bill as introduced because the issue of taxes came to the fore as an issue of importance in the rail competition study conducted pursuant to SB 315 from the 2003 Session.

Because those taxation issues remain a critical element of rail competitiveness according to the study, I believe that it is imperative that the Director of DOR be on the Council.

The addition of the Director will not add to the costs of Council operations, nor make administration of the effort any more difficult.

Private Sector Members Bringing Transportation Experience to the Rail Service Competition Council

The bill calls for private members who are to represent transportation expertise related to farm commodities, trucking, minerals and wood products. The language I have added is to make sure that the persons need to have "substantial knowledge and experience related to transportation" as it affects each of those areas.

I respectfully request that the legislature agree to these amendments so that we may be able to construct the best possible membership for this important Rail Service Competition Council.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division  
Department of Transportation  
Department of Agriculture  
Department of Revenue  
Governor's Office of Economic Opportunity



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Amendments to House Bill No. 769  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Page 1, line 16.

**Following:** line 15

**Insert:** "(c) the director of the department of revenue provided for in 2-15-1301;"

**Renumber:** subsequent subsections

2. Page 1, line 21.

**Following:** "person"

**Strike:** "with substantial knowledge and experience as"

**Insert:** "who is"

3. Page 1, line 22.

**Following:** "Montana"

**Insert:** "and who has substantial knowledge and experience related to transportation of farm commodities"

4. Page 1, line 25.

**Strike:** the first "in"

**Insert:** "related to transportation for"

5. Page 1, line 27.

**Strike:** the first "in"

**Insert:** "related to transportation for"

**MOTIONS**

Dem. Floor Leader Parker Moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **HB 7**. Motion carried.

The Speaker appointed the following members:

Representative Ripley  
Representative D. Brown  
Representative Callahan  
Representative Hiner

Dem. Floor Leader Parker Moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **SB 415**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson  
Representative Himmelberger  
Representative Gallik  
Representative Groesbeck

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Dem. Floor Leader Parker moved the House suspend the rules in order to hear **SB 260** that passed on 2nd Reading on 3rd Reading today. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 260, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House recess until 3:30 p.m. Motion carried.

Speaker Matthews stated the House will stand in recess until 3:30 p.m.

The House reconvened at 3:33 p.m.

Sgt.-at-Arms Clark announced the Honorable Senate awaits at the House chambers. Speaker Matthews asked Sgt.-at-Arms Clark to admit the Senate. Sen. McGee awarded Rep. Witt, the House basketball coach, the 2nd Place trophy for the House-Senate basketball game.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will stand at ease until 4:00 p.m.

House reconvened at 4:00 p.m.

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**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Governor Schweitzer stating that **SB 525** which had been sent to enrolling, requests that either the Governor or his designee be represented as an ex-officio officer of the Quality Schools Interim Committee. The Governor stated he is designating David Ewer, his Budget Director, to be his designee on the Quality Schools Interim Committee.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 769** - Rep. Leader Brown moved consideration of **HB 769** be placed at the bottom of the second reading board. Motion carried.

**HB 592 - Free Conference Committee Report No. 1** - Representative Waitschies moved the Free Conference Committee report to **HB 592** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Galvin-Halcro, Jayne, Jopek.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Branae.  
Total 1

**SB 120 - Conference Committee Report No. 1** - Representative McNutt moved the Conference Committee report to **SB 120** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A.

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Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Hendrick.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2** - Dem. Floor Leader Parker moved consideration of **HB 2** be placed at the bottom of the second reading board. Rep. Leader Brown rose to inquire on the reason. Speaker Matthews explained the Senate needs to receive **HB 769** today. Motion carried.

**HB 769 - Governor's Amendments** - Representative Golie moved Governor's amendments to **HB 769** be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 48

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, L. Jones, W. Jones, Koopman, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved the House suspend the rules to allow for the bills that passed on 2nd Reading be heard on 3rd Reading today. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Heinert, Hendrick, Koopman, Lange, Maedje, Mendenhall, Sales, Sinrud, Sonju, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 592, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker,

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Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Galvin-Halcro, Jayne, Jopek.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 120, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Harris, Hendrick, Koopman, Sales, Sinrud, Wells.  
Total 6

Excused: None.  
Total 0

Absent or not voting: L. Jones.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative McNutt in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2 - Free Conference Committee Report No. 1** - Representative Witt moved the Free Conference Committee report to **HB 2** be **not** adopted.

Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert,

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Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 61

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Sesso, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Speaker Matthews stated the House will stand in recess until 6:00 p.m.

The House reconvened at 6:00 p.m.

Rep. Leader Brown moved the House adjourn for the day. Dem. Leader Wanzenried agreed. Motion carried.

**ANNOUNCEMENTS**

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Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Thursday, April 21, 2005. Motion carried.

House adjourned at 6:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House



**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 21, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Ripley. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews and the House thanked the pages.

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-eighth and seventy-ninth legislative days, find the same to be correct.

Barrett, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/21/2005

Delivered to the Governor for reconsideration at 7:45 a.m., April 21, 2005: **HB 7**.

Correctly enrolled: **HB 2, HB 28, HB 45, HB 60, HB 146, HB 218, HB 249, HB 272, HB 367, HB 482, HB 529, HB 535, HB 606, HB 700, HB 713, HB 740, HB 758, HB 761, HJR 33, HJR 36**.

Signed by the Chief Clerk of the House at 11:45 a.m., April 20, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Signed by the Speaker at 12:30 p.m., April 21, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Signed by the President at 2:00 p.m., April 21, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Delivered to the Governor for approval at 2:25 p.m., April 21, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Signed by the Chief Clerk of the House at 9:30 a.m., April 22, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

Signed by the Speaker at 11:30 a.m., April 21, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

Signed by the President at 10:00 a.m., April 22, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

Delivered to the Governor for approval at 10:15 a.m., April 22, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

**MESSAGES FROM THE SENATE**

**Governor's amendments to House bills** concurred in and returned to the House:

4/21/2005

**HB 11**, introduced by McNutt

**HB 728**, introduced by Lange

**HB 769**, introduced by Golie

**Governor's amendments to House bill not** concurred in and returned to the House:

4/21/2005

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**HB 7**, introduced by Callahan

**Conference Committee Report No.1** adopted on 3rd Reading:

4/21/2005

**SB 120**, introduced by Keenan

**SB 260**, introduced by Perry

**Free Conference Committee Report No.1** adopted on 3rd Reading:

4/21/2005

**HB 592**, introduced by Waitschies

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Matthews in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2 - Free Conference Committee Report No. 1** - Representative Witt moved the Free Conference Committee report to **HB 2** be **not** adopted. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

Noes: Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Matthews moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton,

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Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, W. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells.

Total 32

Excused: None.

Total 0

Absent or not voting: Glaser, Sales.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 2, Conference Committee Report No. 1, adopted as follows:**

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 48

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

Speaker Matthews asked the following legislators to come to the well of the House to be recognized as termed-out representatives: Representative Wanzenried, Representative Roy Brown, Representative Buzzas, Representative Clark, Representative Galvin-Halcro, Representative McKenney, Representative Dowell, Representative Gutsche, Representative Golie, Representative Andersen, Representative Noennig.

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Speaker Matthews stated the House will stand at ease until 9:45 a.m.

House reconvened at 9:50 a.m.

**MOTIONS**

Dem. Floor Leader Parker moved that the Speaker be authorized to appoint a committee of four to notify the Supreme Court that the 59th Legislative Session of the House of Representatives is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representative Facey, Representative Jackson, Representative Clark, and Representative A. Olson.

Dem. Floor Leader Parker moved that the Speaker be authorized to appoint a committee of four to notify the Governor that the 59th Legislative Session of the House of Representatives is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representative Lindeen, Representative Golie, Representative Andersen, and Representative Noennig.

Dem. Floor Leader Parker moved that the Speaker be authorized to appoint a committee of four to notify the Senate that the 59th Legislative Session of the House of Representatives is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representative Gutsche, Representative Dowell, Representative Waitschies, and Representative McKenney.

**ANNOUNCEMENTS**

Sergeant-at-Arms Clark notified the Speaker that a Committee from the Senate awaits at the House Chamber. Speaker Matthews asked Sergeant-at-Arms Clark to admit them. Sergeant-at-Arms Clark admitted Senator Grimes and Senator Roush. Senator Grimes stated the 59th Legislative Session of the Senate is ready to adjourn Sine Die.

Sergeant-at-Arms Clark escorted the Senators from the House.

Speaker Matthews stated the House will stand at ease until the appointed Committees return.

The House reconvened.

Sergeant-at-Arms Clark escorted the Committee who informed the Supreme Court that the House had finished its business and was ready to adjourn Sine Die.

Representative Paul Clark reported that the Supreme Court had been informed that the House had finished its business and was ready to adjourn Sine Die.

Sergeant-at-Arms Clark escorted the Committee who informed the Governor that the House had finished its business and was ready to adjourn Sine Die.

Representative Lindeen reported that Governor Schweitzer was out of the office. The Committee notified Lt. Governor Bohlinger that the House had finished its business and was ready to adjourn Sine Die.

Sergeant-at-Arms Clark escorted the Committee who informed the Senate that the House had finished its business and

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was ready to adjourn Sine Die.

Representative Gutsche reported that they had notified the Senate that the House had finished its business and was ready to adjourn Sine Die.

Speaker Matthews thanked everyone.

Dem. Floor Leader Parker moved the House adjourn Sine Die. Motion carried.

House adjourned at 10:15 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House